Regd. No. M.—1175

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 1

BANGALORE, THURSDAY, JANUARY 4, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1863—*R. T.* 3-39-11, *dated Bangalore, the 26th December* 1939.

In virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, Government propose to make the following draft amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, which is hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft, received on or before the 25th January 1940 will be considered by Government:—

Draft Amendment.

Add the following as Rule 12-B to the aforesaid rules and re-number the existing Rules 12-B and 12-C as 12-C and 12-D, respectively:—

"12-B. If the registering authority is satisfied that a motor vehicle has been permanently removed out of Mysore State, the registering authority shall cancel the registration."

No. T. 1865—*R. T.* 3-39-9, *dated Bangalore, the 26th December* 1939.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act of 1928 to rule 21 of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 and amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 20th January 1940, in respect of the said draft will be considered by Government :—

Draft Amendment.

Substitute the following for rule 21 (*a*) and (*b*) of the aforesaid rules :—

"21. (*a*) No driver or other person in charge of a public service motor vehicle shall permit any passenger to ride on the roof or the running board or on any side portion of the said vehicle; nor shall allow anything to be placed or carried upon the outside of the roof of a double decked public service vehicle.

(*b*) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or any thing extends—

(i) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body;

(ii) to the front beyond the foremost part of the vehicle;

(iii) to the rear to a distance exceeding four feet beyond the rearmost part of the vehicle excluding any luggage carrier; and

(iv) in height by a distance which exceeds eleven feet from the surface upon which the motor vehicle rests.

(*c*) Clause (iii) of sub-rule (*b*) shall not apply to a motor lorry when loaded with any pole or other projecting thing so long as—

(i) the projecting load falls within the limits of the body of a trailer being drawn by the motor vehicle; or

(ii) the distance by which the pole or other thing projects beyond the rearmost point of the motor vehicle does not exceed six feet; and

(iii) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than fifteen inches in diameter; and at night, a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear.

(*d*) The District Magistrate may by order in writing exempt any motor vehicle, for such a purpose, for such period and subject to such conditions as he may specify from any or all of the provisions of this rule.

No. T. 1876—*R. T.* 38-39-7, *dated Bangalore, the 2nd January* 1940.

In virtue of powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that a temporary toll-gate be established for a period of two months with effect from 15th January 1940 on the Kikkeri-Sravanabelagola Road within the limits of Kabbalu Village about four miles from Sravanabelagola in Chennarayapatna Taluk, Hassan District.

No. T. 1883—*R. T.* 7-38-47, *dated Bangalore*, 30*th December* 1939—3*rd January* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 12-B of the Mysore Motor Vehicles Rules 1924, as amended from time to time, the draft amendment in this behalf having already been published at page 541, Part IV of the *Mysore Gazette*, dated 9th November 1939:—

Amendment.

For Rule 12-B (ii) (a) of the aforesaid rules, substitute the following:—

"Surrender such certificate if available with him and the current tax license if one has been taken out and"

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 2

BANGALORE, THURSDAY, JANUARY 11, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. F. 4199—*Ex.* 12-39-26, *dated Bangalore, the 6th January* 1940.

In pursuance of clause 32 of the Matches (Excise Duty) Rules, 1934, the Government of His Highness the Maharaja of Mysore are pleased to empower the officers mentioned below, within their respective jurisdictions, to search any place, vessel, cart or means of conveyance for matches liable to duty and to seize and remove any matches which may appear to them to have been illegally imported or manufactured or to have been issued from the manufactory or stocked or kept for sale in contravention of any direction or rule made under the Matches (Excise Duty) Act, 1934 (III of 1934).

"Any officer of the Excise Department not below the rank of Excise Inspector."

No. F. 4208—*Ex.* 12-39-27, *dated Bangalore, the 6th January* 1940.

In exercise of the powers conferred by Section 17 of the Matches (Excise Duty) Act, 1934, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following further amendment shall be made in the Matches (Excise Duty) Rules, 1934, namely :—

To Rule 42 of the said rules, the following proviso shall be added, namely :

"Provided that when advertisement labels are affixed to match boxes in addition to the manufactory's labels, the banderol may, with the approval of the Deputy Commissioner, be affixed to boxes in such a way that the ends are covered by the advertisement label on one side of the box and that it passes over the manufactory's label on the other side."

By Order,

C. E. NORONHA,
Secretary to Government,
Development Department.

No. T. 1948—*R. T.* 44-39-2, *dated Bangalore, the 6th January* 1940.

In exercise of the powers conferred on them by Section 13 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to exempt the Motor Van belonging to the Imperial Institute of Animal Husbandry and Dairying from payment of the inspection fee leviable under Rule 6 of the rules relating to inspection of public service motor vehicles and private lorries issued with Notification No. T. 1—T. B., dated the 28th February, 2nd March 1936 (*Vide* page 120, Mysore Motor Manual, 1938).

No. T. 1960—*R. T.* 20-39-40, *dated Bangalore, the 8th January* 1940.

In exercise of the powers conferred on them by Section 22 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to exempt the Sajjada of Baba Budhan Darga, Chikmagalur, from payment of toll in respect of the three double bullock-carts belonging to the Darga.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government, Law Department.

No. 3569—*L. C., dated Bangalore, the 6th January* 1940.

In continuation of Notification No. 3364—L. C., dated 18th December 1939, publishing the Report of the Select Committee on the Bill to provide for the better control of the publication of newspapers and other printed works containing public news, the following Note of Dissent by Mr. D. H. Chandrasekharaiya is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary, Mysore Legislative Council.

NOTE OF DISSENT.

The New Press and Newspapers Bill is said to have been introduced by the Government in response to a desire expressed several times by the representatives of the people for a change in the existing law contained in Act No. III of 1908. Under the provisions of this Law the Government are to be first approached for permission to edit, print and publish any newspaper or other printed work. They are vested with absolute authority either to

grant or refuse permission and also to withdraw the permission once granted. Further, whenever any person edits, prints or publishes any newspaper or other printed work without first obtaining permission or after the permission is withdrawn, he can be deported from the State and his Press confiscated. What is worse, the Government are not bound to assign reasons for any of their actions and their decisions are final.

As compared with the Law, which is declared with one voice to be too drastic, the proposed measure seems to be much safer in some respects: First, initial permission need not be obtained hereafter to edit, print or publish any newspaper or other printed work. Secondly, the nature of the offences for which the Government would take action will be clearly defined and made known. Thirdly, the decisions of the Government in certain matters can be contested in the highest Tribunal of the State. Lastly, the punishment by way of deportation will be substituted by the ordinary penal provisions.

I am aware that this new measure is met with severe opposition in certain quarters and especially at the hands of those following the profession of Journalism. Their main contention is that there is no necessity for any Press Law in Mysore. But this view does not, however, answer the obvious question whether a Law more definite in its scope and less arbitrary in its operation cannot at all be preferred to the existing one with all its hard features. It was my hope that the Journalists in the State would accept the measure as a lesser evil and offer practical suggestions to soften its rigour as much as possible. But unfortunately the representatives of the Press who appeared before the Select Committee declined to go beyond the mandate for having no Press Law of any kind.

I do not propose to answer the much-debated question whether any Press Law should exist at all in Mysore for the reason that it does not lie within the scope of the Select Committee's functions. Generally speaking, it would certainly be a very happy state of things to welcome when every one could live free as the air without the intervention of any Law. But taking human nature as it is and the conditions of human relationship existing around us, we cannot help accepting the rule of Law limiting our natural freedom and controlling our actions in various ways in the interest of that very freedom.

Referring to the freedom of the Press, which means the absence of arbitrary official restrictions upon 'the dissemination of news and comments upon news,' none can deny that it is a highly valued public right. But men of experience have urged the view that some measure of control over the Press is indispensable at least in emergencies so as to ensure the common weal. Hence, the real question is what kind of Press control should we have ?

I have taken some pains to study this aspect of the question and I find that the opinion is very sharply divided about it. Apart from the licensing system which is now in force, the other suggestions made in this behalf are (1) the application of Ordinary Law in normal times and the conference method in times of unusual stress, (2) the suspensible declaration method, and (3) the security method. It is not my present purpose to enter into a detailed discussion about the merits of these different methods. The proposed Bill involving the security method is no doubt modelled upon the British Indian Act. But the circumstances under which that Act came into existence and the results of its operation have not been quite encouraging. Besides, it does not seem to be fair to proceed with this controversial measure in the face of the adverse note of the Representative Assembly. I sincerely wish that it were possible to devise a method satisfactory to all parties and that even now action may be taken accordingly.

However, since it is not possible to know what the Government might do in the matter I desire to plead for incorporating at least the following changes in the proposed Bill :—

(1) Security need not be required by the Magistrate when the declaration is made before him for the first time by the keeper of a Press or the publisher of a Newspaper under Sections 4 or 5 as the case may be of the Press and Registration of Books Act, 1867. But when a second declaration is made by any of them after the first is annulled as a result of the noticing of the offences described in clause 4 (1), the Magistrate before whom the declaration is made may require security for reasons to be recorded in writing.

(2) The Government may order deposit of security by the keeper of a Press or the publisher of a Newspaper

under clauses 3 (3) and 7 (3) or the forfeiture of the security under clauses 4 and 8 only after issuing a show-cause notice to the persons concerned.

(3) The maximum amounts of security provided under the several clauses may be reduced to half the amounts proposed by the Select Committee and no minimum level need be compulsorily fixed.

(4) The High Court may be empowered to decide questions connected with all the orders relating to the demand or forfeiture of security.

I conclude this note in the earnest hope that my humble suggestions stated above will receive the kind consideration of all those interested in the liberty of the Press consistent with the practical necessities of the time.

D. H. CHANDRASEKHARAIYA.

No. G. 6291—P. H. 45-39-11, dated Bangalore, 10th January 1940.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, Government propose to make the rules issued in Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 annexed hereto, applicable to the Hassan Town Municipality. Any objections to this proposal, if made in writing and received on or before the 1st February 1940, will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (b).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (c).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (d).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (e).—

6. The standards of purity prescribed for milk cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for dirt in Milk.—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (f).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (g).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (h).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions mad under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing

or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 3

BANGALORE, THURSDAY, JANUARY 18, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 3437—I. & C. 188-39-3, dated Bangalore, the 13th January 1940.

In exercise of the powers conferred on them by Section 31 (1) of the Workmen's Compensation Act, XIV of 1928, as amended from time to time, the Government of His Highness the Maharaja are pleased to issue the following additional rules under the caption "The Mysore Silicosis Rules," the draft in this behalf having already been published with Notification No. D. 1639—I. & C. 188-39-2, dated the 15th—21st September 1939 on pages 460-470 of Part IV of the *Mysore Gazette*, dated 28th September 1939.

2. These rules will come into force from the date of this notification in the Gazette.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. L. 6206—Ml. 53-39-42, dated Bangalore, the 12th January 1940.

In exercise of the powers vested in them under Section 23 (2) (*b*) and (4) of the Mysore City Municipalities Act, 1933, as amended from time to time and the rules framed thereunder, Government are pleased to issue the following amendments to the rules for regulating the election of the President and the Vice-President of a City Municipal Council issued with Notification No. L. 3957—Ml. 56-24-14, dated 28th November 1924 as amended from time to time.

Add the following as clause (iii) to rule 1-A.—

"(iii) for the office of the President if he has held that office, or for the office of the Vice-President if he has held that office, for two consecutive terms immediately preceding, each such term being one year if it has been so directed under the proviso to Section 23 (12) by the Government."

The rule as amended will read as follows :—

1-A. No person may be a candidate—

(i) If he has been at any time removed from the office of President or Vice-President of the Municipal Council for misconduct in the discharge of his duties, or

(ii) if he is otherwise disqualified, or

(iii) for the office of the President if he has held that office, or for the office of the Vice-President if he has held that office, for two consecutive terms immediately preceding, each such term being one year if it has been so directed under the proviso to Section 23(12) by the Government.

The rule as amended shall come into force from the date of this notification.

No. T. 2056—R. T. 3-39-13, dated Bangalore, the 17th January 1940.

The following draft amendment to the Rules regarding Public Service Motor Vehicles, issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, which the Government propose to make in virtue of powers vested in them under Section 11 of the Mysore Motor Vehicles Act 1928, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 10th February 1940 in respect of the said draft will be considered by Government :—

Draft Amendment.

Add the following Rule as 74-A to the aforesaid Rules :—

"74-A. On and after the first day of April 1940, an efficient automatic windscreen wiper shall be fitted to every public service motor vehicle which is so constructed that the driver cannot by opening the windscreen, or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen."

By Order,
C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 4

BANGALORE, THURSDAY, JANUARY 25, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. D. 3437—*I. & C.* 188-39-3, *dated Bangalore, the* 13*th January* 1940.

In exercise of the powers conferred on them by Section 31 (1) of the Workmen's Compensation Act, XIV of 1928, as amended from time to time, the Government of His Highness the Maharaja are pleased to issue the annexed additional rules under the caption "The Mysore Silicosis Rules," the draft in this behalf having already been published with Notification No. D. 1639—I. & C. 188-39-2, dated the 15th—21st September 1939 on pages 460 to 470 of Part IV of the *Mysore Gazette*, dated 25th September 1939.

2. These rules will come into force from the date of this notification in the Gazette.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

THE MYSORE SILICOSIS RULES. 20

1. (*a*) These rules shall be called the Mysore Silicosis Rules.

(*b*) They shall apply to all industries specified in Schedule "A" of these rules. The Government may from time to time add to or vary the Schedule.

(*c*) They shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "The Act" means the Mysore Workmen's Compensation Act, No. XIV of 1928, as amended by Act III of 1936.

(*b*) "Commissioner" means the Commissioner for Workmen's Compensation appointed under the Act.

(*c*) "Initial Examination" means examination prescribed under Rule 9 (*a*) of the rules.

(*d*) "Periodical Examination" means examination prescribed under Rule 9 (*d*) of these rules.

(*e*) "Examiner" means registered medical practitioner whose name appears in the list published by Government in the official Gazette as prescribed in Rule (5) of these rules.

(*f*) "Mining" as specified in Schedule "A" of these rules shall be construed as a reference to underground work or employment beneath the surface; to work or employment upon or about rock crushers in a rock crushing station and to work or employment in a sample-crushing room or assay office or on any tailings dump.

3. For the purposes of these rules, Silicosis shall mean Silicosis of the Lungs—

4. A person shall, for the purposes of these rules, be deemed to have or to have had Silicosis.—

(*a*) In the *Ante-primary stage*, when it is found on medical and radiological examination that the earliest detectable specific physical signs of Silicosis are or have been present, whether or not capacity for work is or has been impaired by such Silicosis.

(*b*) In the *Primary stage*, when it is found on medical and radiological examination that definite and specific physical signs of Silicosis are or have been present

and that capacity for work is or has been impaired by that disease though not seriously and permanently.

(*c*) In the *Secondary stage*, when it is found on medical and radiological examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired by that disease.

(*d*) Silicosis with active Tuberculosis is equivalent to the Secondary stage.

5. (*a*) Every workman who desires the grant of compensation under these rules, shall apply to the Commissioner in whose jurisdiction he resides in Form "A" in duplicate.

(*b*) Application for compensation by dependants shall be made in Form "B" and shall be transmitted in duplicate to the Commissioner.

6. *Medical Examination.*—The Government shall under these rules publish, from time to time, in the official Gazette the names of Registered Medical Practitioners who are empowered to carry out examinations and issue certificates.

7. Government may also appoint Medical Officers in service as *ex-officio* examiners for the purposes of examination and issue of certificates.

8. (*a*) Government shall establish a Medical Bureau consisting of three or more Medical Practitioners or Officers with special knowledge of the diseases of the lungs and respiratory organs; and the Commissioner may, in cases of doubt, or shall, in cases where the employer or the workman is dissatisfied with the certificate granted under these rules, refer the case to the Bureau.

(*b*) In all such cases the applicant shall be X-rayed and clinically examined. The findings of the Bureau shall be final.

9. (*a*) Any applicant desiring to work in any of the industries specified in Schedule "A", after these rules have come into force, shall submit himself to a medical examination by an examiner before whom he shall be caused to appear by the employer.

(*b*) The examiner shall make such examination (including stethoscope examination) of the applicant as will enable him to fill in correctly the initial certificate in Form "C" that he is free from any disease of the lungs

and respiratory organs and is, in other respects, physically fit for the work for which a certificate is sought.

(*c*) Such certificate shall be transmitted to the applicant and shall be valid for a period not exceeding five years.

(*d*) After the initial examination, every workman shall be brought before an examiner by the employer for medical examination at intervals of not more than five years over a period not exceeding ten years, and thereafter at two yearly intervals.

(*e*) After every examination subsequent to the initial examination, a certificate in Form "D" stating that the workman is not suffering from Silicosis or a certificate in Form "D (*a*)" stating that the workman is suffering from Silicosis and in what stage, shall be issued and it shall be the duty of the employer to inform the workman of the contents thereof.

10. (*a*) Every workman who is already in service at the time of these rules coming into force, if he desires to become eligible for the benefits under these rules, shall be duly medically examined by an examiner before whom he will be caused to appear by the employer and if found suffering from Silicosis as defined in Rule (4), he shall be entitled to compensation as provided for in the Act.

(*b*) If it is found not possible for such workman to be present for initial examination and if he is not examined on the day he presents himself, his name shall be entered in a register maintained for such a purpose and he shall be deemed to have complied with the rules, provided that he reports himself for examination without delay, on being notified subsequently by the employer, of a date and hour on which the examination will be carried out. Failure on the part of the workman thus notified to present himself for examination without sufficient cause, shall render him ineligible for compensation and shall release the employer from all obligation under these rules, should the workman at any other date present himself for examination and be found to be suffering from Silicosis.

11. (*a*) Wherever the Commissioner considers it necessary to be satisfied by post mortem examination whether a deceased workman had Silicosis and having obtained the previous consent of the legal representatives of the

23

deceased, to the performance of such post mortem examination, he may request any Government medical officer, to conduct such an examination and send him a copy of Form "E" to be filled in by him. A medical examiner nominated by the employer shall be given an opportunity to be present at such post mortem examination and shall either agree or disagree with the findings of the Government medical officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The medical officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form "E" and if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

12. When once a workman has accepted compensation, he is prohibited from working again as such; but he is not obliged to accept compensation and give up his occupation as such.

13. If a workman continues to work in any of the industries specified in Schednle "A" for a longer period than three months after he had been certified to be suffering from Silicosis, he is not entitled to a greater amount of compensation than that to which he was entitled when first certified. But this loss of benefit does not extend to his dependants.

SCHEDULE "A." 24

Industries involving exposure to the risk of Silicosis.

1. Mining—Gold
2. Porcelain and Pottery Industries.
3. Cement Industry.
4. Glass Industry.
5. China Clay and Talc Industries.
6. Sandstone Industry.
7. Quarrying or Crushing or Cutting of Stones.
8. Manufacture of Bricks and Tiles.
9. Foundries and Metal Works.

FORM A.

The Mysore Silicosis Rules.

APPLICATION FOR PAYMENT OF COMPENSATION.

I, the undermentioned workman, hereby apply, under the Mysore Silicosis Rules, for compensation for Silicosis contracted in the course of my employment.

1. Name in full.....
2. Address in full.....
3. Names and addresses and relationship of dependants.
4. Name of the employer under whom the workman worked last with record of service.
5. Particulars of earnings.....
6. Particulars of claim.....

I hereby declare that what is stated abcve is correct.

Signature of the applicant

To

The Commissioner for Workmen's Compensation,

.....District,

.....

FORM B.

The Mysore Silicosis Rules.

APPLICATION FOR COMPENSATION BY A DEPENDANT.

I or We, the dependant or dependants of the deceased workman named.....an employee in the.....(name of the concern or firm) apply for compensation for Silicosis contracted by the workman n the course of his employment and as a result of which he died.

1. Name (s) of dependants in full.
2. Address.
3. Age.

25

4. Relationship to the deceased workman.
5. Occupation.
6. Particulars of earnings.
7. Particulars of claim.
8. Name of the deceased workman in full with name of last employer and record of service thereunder.
9. Date of his death.
10. Cause of his death (Post mortem certificate to be attached).

I hereby declare that I am/We are the..... .....
.....of the late.....
and that the statements contained in the above application form are true and correct.

Signature of the applicants.

FORM C.

The Mysore Silicosis Rules.

INITIAL CERTIFICATE.

(Issued without alteration.)

Expires.....(Name of concern or firm) .....
Name in full.....
Address.....

This is to certify that the abovenamed applicant on the.....
....day of.....19 underwent the examination prescribed by Rule 9 (*a*) of the Mysore Silicosis Rules of 19 and was then free from any disease of the lungs and respiratory organs and was in other respects physically fit for work in industries specified in Schedule 'A'.

Signature or left thumb impression of applicant.

Marks of identification :—
(1)
(2)

Place.....

Examiner.

Date.....

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on.....and will be of no effect after that date.

FORM D. 26

The Mysore Silicosis Rules.

PERIODICAL CERTIFICATE.

(Issued without alteration.)

Expires on.....

Name in full.....

Address.....

This is to certify that the above named workman on the.....
.....day of.....19 underwent medical examination prescribed by Rule 9 (*d*) of the Mysore Silicosis Rules and that he was not then suffering from Silicosis.

Signature or left thumb impression of the workman.

Marks of identification :—
(1)
(2)

Place.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the.....and will be of no effect after that date.

FORM D (*a*).

The Mysore Silicosis Rules.

PERIODICAL CERTIFICATE.

(Issued without alteration.)

Expires on.....

Name in full.....

Address.....

This is to certify that the abovenamed workman on the.....
.....day of .....19 underwent medical examination prescribed by Rule 9 (*d*) of the Mysore Silicosis Rules and that he was then suffering from Silicosis. (State stage.)

Signature or left thumb impression of the workman.

Marks of identification :—
(1)
(2)

Place.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the.....and will be of no effect after that date.

FORM E. 27

The Mysore Silicosis Rules.

REPORT ON POST MORTEM EXAMINATION.

I have this day at..... .....made a post mortem examination on a body.

Name.....

Address.....

Designation.....

and as a result of my examination I find that (here state what diseases were found to be present)

and I certify that the cause of death was.....

.....

and the deceased was (not) at the time of his death suffering from Silicosis or that Silicosis was (not) present as a contributing or predisposing factor or cause of his death or that Silicosis was a contributing but not a predisposing cause of his death or that Silicosis was a predisposing but not a contributing cause of his death. (If Silicosis were present as a contributing or a predisposing cause of death, state the condition found in the organs stated below and comply with the provisions of Rule 11 printed below.)

Hilar Glands

Pleura (Right) (Left)

Lungs (Right) (Left)

Any abnormalities in other organs.

Address.....

Date..... *Medical Practitioner.*

N.B.—1. Strike out inapplicable clauses and attest.

11. (*a*) Whenever the Commissioner considers it necessary to be satisfied by post mortem examination whether a deceased workman had Silicosis and having obtained the previous consent of the legal representative of the deceased, to the performance of such post mortem examination, he may request any Government medical officer to conduct such an examination and send him a copy of Form "E" to be filled in by him. A medical examiner nominated by the employer shall be given an opportunity to be present at such post mortem examination and shall either agree or disagree with the findings of the Government medical officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The medical officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form "E" and if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. D. 3471—*Pat.* 1-39-3, *dated Bangalore, the* 17*th January* 1940.

The following draft rules under the Mysore Patents and Designs Act III of 1925 as amended by Act XV of 1939 are published for the information of the public under Section 73 (2) of the said Act of 1925. Suggestions, if any, for additions or alterations to the proposed rules may be communicated to the Secretary to Government, Development Department, within one month from the date of this notification.

By Order,

C. E. NORONHA,

Secretary to Government, Development Department.

THE MYSORE PATENTS AND DESIGNS RULES, 1940.

CHAPTER I.

PRELIMINARY.

1. (1) These rules may be called the Mysore Patents and Designs Rules, 1940. Short title and commencement.

(2) They shall come into force from the date of publication in the *Mysore Gazette*.

2. In these rules unless there is anything repugnant in the subject or context— Definitions.

(a) "Act" means the Mysore Patents and Designs Act III of 1925 as amended by Act XV of 1939.

(b) "British Application" means, an application by any person for the protection in any part of United Kingdom of an invention for the protection of which in Mysore State the provisions of Section 75 of the Act are for the time being applicable.

(c) "Indian Application" means, an application by any person for the protection in any part of British India or in any State in India, of an invention for the protection of which in Mysore State the provisions of Section 75 of the Act are for the time being applicable.

(d) "Controller" means, the Controller of Patents and Designs appointed under Section 53 of the Act, and includes any officer appointed to act for him;

(e) "Office" means, the Patent Office provided under Section 52 of the Act;

(f) "Reciprocity application" means, an application in Mysore State under Section 75 of the Act;

(g) "Set" means, a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design, with or without modifications not sufficient to alter the character or substantially to affect the identity thereof.

3. Any application, notice, or other document authorised or required to be left, made or given at the Office, or to the Controller, may be sent by hand, or by a prepaid letter through the post, addressed to the *Ex-Officio* Controller of Patents and Designs in Mysore, Bangalore, and, if sent by a prepaid letter, shall be deemed to have been left, made or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall Communications to the office.

30

be sufficient to prove that the letter was properly addressed and put into the post.

Address for service.

4. Every applicant or opponent in any proceeding under the Act or these rules, and every person who shall hereafter become a patentee or a registered proprietor of a design, shall give an address for service in Mysore State, and such address may be treated, for all purposes connected with the patent or the design, as the actual address of such applicant, opponent, patentee or registered proprietor. Unless such an address is given, the Controller shall be under no obligation either to proceed with the application or the opposition, or to send any notice that may be required by the Act or these rules.

Fees.

5. (1) The fees to be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under the Act, shall be those specified in the First Schedule to these rules, hereinafter referred to as the prescribed fees.

(2) Fees may be paid in cash at the office, or may be sent by money order or cheque payable to the Controller. Cheques not carrying the correct addition for commission, and other cheques on which the full value cannot be collected in cash within the time allowed for payment of the fee, shall be accepted only at the discretion of the Controller. Stamps shall not be received in payment of fees.

Forms.

6. The forms set forth in the Second Schedule, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned, and if used, shall be sufficient:

Provided that the Controller may, if he thinks fit, dispense with the use of Form 4 in the case of an application for extension of time under Sub-section (2) of Section 14 of the Act.

Size, etc., of documents.

7. (1) All documents and copies of documents, except drawings, sent to or left at the office or otherwise furnished to the Controller, shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed), in large and legible characters with deep permanent ink upon one side only of strong white paper of a size of approximately 13 inches by 8 inches, with a margin of at least one inch and a half on the left-hand part thereof. Signatures thereto shall be written in

a large and legible hand, and a vernacular signature shall be accompanied by a transliteration in English.

(2) Duplicate documents shall be filed at the office, if at any time required by the Controller.

(3) Names and addresses of applicants and other persons shall be given in full, together with their nationality and such other particulars, if any, of caste or calling as are necessary for identification.

Signature and verification of documents specified in Section 71 of the Act.

8. The documents specified in Section 71 of the Act shall be dated and signed at the foot, and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing them.

Agency.

9. For all matters falling under the provisions of Section 72 of the Act any person may, unless otherwise directed by the Controller, authorise, under his personal signature, any other person to act as his agent and to receive all notices, requisitions and communications. The authority may be given on Form 31.

CHAPTER II.

PATENTS.

Applications for Grant of Patents.

Application.

10. (1) If the true and first inventor or any applicant for a patent is in the service of the Government, he shall disclose that fact in the application and shall state the office which he holds.

(2) If the true and first inventor is not a party to an application for a patent, the applicant shall, except in the case of reciprocity applications, produce the original deed of assignment or other document from such true and first inventor, under which he is enabled to apply for a patent, unless the application itself is endorsed by the ture and first inventor in the presence of two witnesses with a statement that the said inventor agrees that the application shall be made without his name as an applicant for a patent.

(3) If an application for a patent is made by the legal representative of a deceased inventor, the legal representative shall produce for inspection the probate of

the will or the letters of administration of the estate of the inventor or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

Reciprocity application.

11. (1) Every reciprocity application shall contain a declaration that a British application or Indian application has been made for protection of the invention to which such reciprocity application relates, and shall specify every part of the United Kingdom and every State in India in which any such British application or Indian application has been made and the official date or dates thereof respectively. The application shall be made within twelve months from the date of the first British application or Indian application and shall be signed by the person by whom such first British application or Indian application was made or by his legal representative or assignee or by an agent resident in British India authorised in that behalf.

(2) If a reciprocity application is made by an assignee of the person who made the British application or Indian application, the applicant shall produce the original deed of assignment or other document from such person, under which he is enabled to apply for a patent, unless the application itself is endorsed in the presence of two witnesses by the person who made the British application or Indian application with a statement to the effect that the applicant is his assignee.

(3) If a reciprocity application is made by the legal representative of a deceased person who made the British application or Indian application, the legal representative shall produce for inspection the probate of the will or the letters of administration of the estate of the deceased person or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

(4) In addition to the specification left with every reciprocity application, a copy or copies of the specification or specifications, and drawings or documents filed or deposited by the applicant or his predecessor in title, as the case may be, in respect of the first British application or Indian application duly certified by the official chief or head of the Patent Office in which they were filed or deposited, or otherwise verified to the satisfaction of the Controller, shall be left at the office at the same time as the reciprocity application or within such further time, not exceeding three months, as the Controller may allow.

(5) If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and shall be verified to the satisfaction of the Controller.

(6) Save as aforesaid and as provided by rule 50, all proceedings in connection with a reciprocity application shall be taken within the time and in the manner required by the Act or prescribed by these rules for ordinary applications.

12. Applications shall, on receipt by the Controller, be numbered in the order of their receipt. Order of recording applications.

Specifications.

13. (1) The specification shall commence with the title of the invention and the name of the applicant as in the application. It shall terminate with a clear and succinct statement of the invention claimed, distinct from the body of the specification, and shall be signed and dated by the applicant or his agent. Specification.

(2) The specification in respect of a patent of addition shall contain a specific reference to the number of the main patent, and a definite statement that the invention comprises an improvement in, or a modification of, the invention claimed in the specification of the main patent.

(3) Where the invention is capable of representation by drawings, such drawings shall be prepared in accordance with rules 15 to 18 and shall be supplied with, and referred to in detail in, the specification.

(4) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

14. (1) When the specification or any drawing accompanying it, is defective and requires amendment, one copy shall be returned to the applicant or his agent and alterations shall be made thereon as far as possible. Additional matter may be interpolated, if necessary, by re-writing such passages as are required to form a continuous document. Amendments shall not be made by slips pasted on, or as footnotes, or by writing in the margin. Amendments how to be made.

(2) The amended documents shall be returned to the Controller together with the superseded pages or drawings,

if any, duly marked, cancelled and initialled by the applicant or his agent, and with a duplicate of any pages that have been re-typed or added and of any drawings that have been added or substantially amended. Amendments, alterations or additions shall be initialled in the margin by the applicant or his agent.

(3) No amendments, alterations or additions shall be made in a document returned for amendment, beyond those necessary to comply with the requirements of the Controller.

General.

15. (1) Drawings, when furnished, shall accompany the specification to which they refer. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specifications when printed, shall appear in the specification itself.

(2) Drawings shall be delivered flat or so rolled as to be free from creases.

(3) At least one copy of the drawings shall be suitable for reproduction, and for that purpose, shall be prepared on tracing cloth or on smooth white paper which is not opaque.

Size of drawings and arrangement of figures.

16. (1) Drawings shall be on sheets which measure 13 inches from top to bottom and are either from 8 inches to 8¼ inches or from 16 inches to 16½ inches wide, the narrower sheets being preferable. A clear margin shall be left half an inch from the edges of the sheet.

(2) If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets shall be used in preference to employing the larger size. When an exceptionally large figure is required, it shall be continued on subsequent sheets, of which any number that are required but not more than are required, may be employed. The figures shall be numbered consecutively throughout and without regard to the number of sheets. They shall be separated by a sufficient space to keep them distinct.

Drawings to be suitable for reproduction.

17. Drawings shall be prepared in accordance with the following requirements :—

(*a*) They shall be executed with absolutely black ink.

(*b*) Each line shall be firmly and evenly drawn, sharply defined and of the same strength throughout.

(*c*) Section lines, lines for effect, and shading lines shall be as few as possible, and shall not be closely drawn.

(*d*) Shading lines shall not contrast too much in thickness with the general lines of the drawings.

(*e*) Sections and shading shall not be represented by solid black or washes.

(*f*) They shall be on a scale sufficiently large to show the inventions clearly, and only so much of the apparatus, machine, etc., shall appear as effects this purpose. If the scale is given, it shall be drawn and not denoted by words. No dimensions shall be marked on the drawings.

(*g*) The figures shall be drawn in an upright position in regard to the top and bottom of the sheet.

(*h*) Reference letters and numerals, and index letters and numerals used in conjunction therewith, shall be bold, distinct and not less than one-eighth of an inch in height. The same letters or numerals shall be used to indicate the same parts in different views. Where the reference letters or numerals are shown outside the figure, they shall be connected by fine lines with the parts to which they refer.

18. (1) Drawings shall bear— Drawings to bear name of applicant, etc., but no descriptive matter.

(i) in the lefthand top corner, the name of the applicant and the words "No. of 19 ."

(ii) in the righthand top corner, the number of the sheets of drawings sent and the consecutive number of each sheet;

(iii) in the righthand bottom corner, the signature of the applicant or his agent.

(2) Neither the title of the invention nor any descriptive matter shall appear on drawings.

19. The Controller shall advertise the acceptance of every application in the Gazette of Mysore.

Oppositions to Grant or Amendment, etc.

20. Notice of opposition to the grant, or to the amendment, etc., of a patent shall be given in duplicate. One copy of the notice shall be sent by the Controller to the applicant or his agent. Notice of opposition.

21. (1) Within 14 days of giving notice of opposition, the opponent shall leave at the office a full written statement in duplicate, setting out fully the nature of the opponent's interests, the facts upon which he bases his case and the relief which he seeks. Filing of Statements

(2) The Controller shall furnish the applicant or his agent with one copy of the statement referred to in sub-rule (1), and the applicant or his agent may leave at the office a reply in writing within a time to be specified by the Controller. Such reply shall deal in full with the statement of the opponent and shall be in duplicate.

36 (3) If the reply referred to in sub-rule (2) is supplied by the applicant, the Controller shall furnish the opponent or his agent with one copy thereof, and the opponent or his agent may again leave at the office a rejoinder in writing within a time to be specified by the Controller. Such rejoinder shall be confined strictly to matters in the reply, and shall be in duplicate. One copy of the rejoinder shall be sent by the Controller to the applicant or his agent.

(4) The Controller may require at any time that any written statement, reply or rejoinder shall be in the form of an affidavit.

(5) The time allowed for filing a reply or rejoinder shall ordinarily be one month.

Hearing.

22. (1) On completion of these proceedings or at such other time as he may see fit, the Controller shall appoint a time for the hearing of the case, and shall give the parties not less than ten days' notice of such hearing.

(2) If either party desires to be heard, he shall leave Form 7 at the office.

(3) The Controller may refuse to hear any party who has not left Form 7 prior to the date of hearing.

(4) If either party intends to refer at the hearing to any publication other than a specification already mentioned in the proceedings, he shall give to the other party and to the Controller not less than five days' notice of his intention, together with details of each publication to which he intends to refer.

(5) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without a hearing, the Controller shall decide the case and notify his decision to the parties.

Sealing.

Sealing.

23. (1) If an applicant desires to have a patent sealed on his application, he shall, within the period allowed by sub-section (2) of Section 10 of the Act, leave at the office an application on Form 8.

(2) Where for any reason a patent cannot be sealed within the period allowed, the applicant may apply to the Controller for an extension of the period not exceeding three months. An application for such an extension shall be accompanied by a fee of Rs. 10, Rs. 20 or Rs. 30 for an extension of one, two or three months, respectively.

24. The patent shall be in the form given in the Third Schedule to these rules, with such modifications as the circumstances of each case may require. Form of Patent.

Extension.

25. (1) A petition for the extension of the term of a patent shall set forth clearly the nature and merits of the invention in relation to the public, the profits made by the patentee as such and all the circumstances of the case. Extension of term of Patent.

(2) The Controller shall advertise every such petition in the official Gazette.

(3) Every such advertisement shall state the object of the petition and the address within Mysore State for service on the patentee of any document requiring service under this rule. It shall also specify that notices of objections shall be lodged on Form 6 within two months from the date of the notification.

(4) Every such petition shall also be advertised by the patentee in not less than two newspapers named by the Controller within 14 days from the date of the notification in the Gazette and in the manner described in sub-rule (3). Copies of the newspapers containing these advertisements shall be supplied to the Controller.

(5) The petitioner shall, within three weeks of filing the petition, lodge a duplicate of the petition with two copies of the balance sheet of expenditure and receipts relating to the patent in question, which accounts shall be proved on oath. He shall also, upon receiving two days' notice, give the Controller or any person deputed by him for the purpose, reasonable facilities for inspecting and taking extracts from the books of accounts, by reference to which he proposes to verify the said balance sheet or from which the materials for making up the said balance sheet have been derived.

(6) Any person desirous of opposing the prayer of the petition shall lodge with the Controller a notice on Form 6 accompanied by a fee of Rs. 5. Such person shall at the same time serve a copy of such notice upon the petitioner. Such notices shall be lodged and served within two months from the date of the notification of the petition in the official Gazette.

(7) The petitioner shall, within one week of the receipt of such notice, serve a copy of his petition upon each person giving such notice.

38 (8) Every person giving such notice as aforesaid shall, within 14 days from the service of the petition upon him, serve upon the petitioner one copy and lodge with the Controller two copies of particulars of the objections upon which he intends to reply against the granting of the prayer of the petition.

(9) Any person who shall not, within the said 14 days, lodge and serve such particulars of objections as aforesaid shall be deemed to have abandoned his opposition.

(10) No person who has delivered such particulars of objections shall be entitled to oppose the granting of the prayer of the petition on any grounds not stated in such particulars.

(11) Any person who has delivered particulars of objections shall be entitled, at his own expense, to obtain copies of the accounts which have been lodged by the petitioner.

(12) The Controller may excuse petitioners and opponents from compliance with any of the requirements of sub-rules (5), (7), (8) and (10) and may give such directions in matters of procedure and practice as he shall consider to be just and expedient.

(13) Service of any document requiring service under this rule may be made by enclosing such document in a prepaid registered letter and posting such letter to the person required to be served at his address for service.

(14) On completion of these proceedings, if any, or at such other time as he may see fit, the Controller shall forward one copy of the documents left by the party or parties to the Government through the Secretary to Government, Development Department.

Restoration.

Restoration of Lapsed Patent

26. If the Controller entertains an application under Section 16 of the Act for the restoration of a lapsed patent, he shall advertise it in the official Gazette.

Opposition.

27. Notice of opposition to the restoration may be given within six weeks of the advertisement and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Conditions on restoration.

"28 (1) In every order of the Controller restoring a patent, provisions shall be inserted for restraining the

patentee from commencing or prosecuting any action or other proceeding, and from recovering any damage— 89

(*a*) in respect of making, selling or using the invention, or

(*b*) in respect of selling or using at any time thereafter any article made,

in infringement of the patent between the date of the lapsing of the patent and the date of the order of restoration.

(2) The order shall further provide that if any person within one year after the date thereof makes an application to the Controller for compensation in respect of money, time, or labour expended by the applicant upon the subject matter of the patent, in the bona fide belief that such patent had become and continued to be void, it shall be lawful for the Controller, after hearing the parties concerned, and subject to an appeal to the Government, to assess the amount of such compensation, if, in his opinion, the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid; and if default shall be made in payment of the sum awarded, then the said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages."

Amendment of Application or Specification.

Amendment.

29. A request under Section 17 of the Act for the amendment of an application, or a specification including drawings shall be accompanied by a copy of the application, specification, or drawings showing in red ink the proposed amendment in such a manner as to indicate clearly the alteration desired.

Procedure when application for a Patent has been accepted.

30. If the request relates to an application for a patent which has been accepted, the request and the nature of the proposed amendment shall be advertised by notification in the official Gazette and in such other manner, if any, as the Controller may in each case direct. The Controller shall also notify all persons whose names, at the time of the request, are entered on the register as claiming an interest in the patent.

Opposition.

31. Rules 20, 21 and 22 shall be applicable to the disposal of any opposition to the amendment, of which notice may be given in accordance with sub-section (3) of Section 17 of the Act.

Requirements on amendment.

32. (1) Where leave to amend is given, the applicant shall, if the Controller so requires, and within a time to be specified by him, leave at the office a new specification and amended drawings which shall be prepared in the manner prescribed in rules 15 to 18.

(2) Amendments allowed by the Controller after an application for a patent has been accepted shall be advertised by him in the official Gazette.

Surrender.

Surrender of Patents.

33. (1) If an offer is made for the surrender of a patent under Section 24 of the Act, the Controller shall advertise in the official Gazette and shall notify all persons whose names, at the time of the offer, are entered on the register as claiming an interest in the patent.

(2) Notice of opposition to the revocation of a patent offered for surrender shall be given within six weeks of the advertisement, and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

CHAPTER III.

DESIGNS.

Classification of Goods.

34. (1) For the purpose of the registration of designs and of these rules, goods shall be classified in the manner specified in the Fourth Schedule hereto.

(2) If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Controller.

Application for Registration.

Application.

35. (1) An application under Section 40 of the Act for the registration of a design shall be accompanied by four copies of the design and shall be dated and signed by the applicant or his agent.

(2) The application shall state the class in which the design is to be registered and the article or articles to which the design is to be applied.

(3) If it is desired to register the same design in more than one class, a separate application shall be made

in each class, and the application shall contain the number or numbers of the registration or registrations already effected.

(4) If so required by the Controller, the applicant shall state the purpose for which the article is used and the material or predominating material of which the article is made.

Statement of Novelty.

36. The applicant may, and shall, if required by the Controller in any case so to do, indorse on the application and each of the representations a brief statement of the novelty he claims for his design.

Additional copies of Representations or Specimens.

37. If the Controller in any case so requires, he shall be supplied with one or more representations or specimens of the design in addition to those supplied with the application.

Representations.

38. (1) The four copies of the design required by rule 35 shall be exactly similar drawings, photographs, tracings or other representations of the design or shall be specimens of the design.

(2) When a design is to be applied to a set, each of the representations accompanying the application shall show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

(3) Each representation of the design whether to be applied to a single article or to a set, shall be on paper of a size 13 by 8 inches (and not on cardboard) and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall, where possible, be on one and the same sheet, and each shall be designated (*e. g.*, perspective view, front view, side view).

(4) When a design is to be applied to a set, any doubt whether the given articles do or do not constitute a set shall be determined by the Controller.

(5) If the specimens are not, in the opinion of the Controller, suitable for record in the office, they shall be replaced by representations.

(6) Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design, the Controller may require the insertion of a disclaimer of any right to their exclusive use.

(7) Each representation of a design which consists of a repeating surface pattern shall show the complete pattern and a sufficient portion of the repeat in length

and width, and shall not be of less size than 5 by 4 inches.

(8) If the names or representations of living persons appear on a design, the Controller shall, if he so requires, be furnished with consents from such persons before proceeding to register the design. In the case of persons recently dead, the Controller may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

Acceptance.

39. Upon receipt of an application for registration, the Controller shall consider it and may accept it if he considers that there is no objection to the design being registered.

Objections.

40. If on a consideration of the application, any objections appear to the Controller, a statement of these objections shall be sent to the applicant or his agent in writing, and unless within one month the applicant or his agent removes the objection or applies for a hearing, the applicant shall be deemed to have withdrawn his application.

Decision of Controller.

41. The decision of the Controller at such hearing as aforesaid shall be communicated in writing to the applicant or his agent who may, within one month, apply to the Controller requiring him to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Date of appeal.

42. Upon receipt of such application, the Controller shall send to the applicant or his agent such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Controller's decision for the purpose of appeal.

Non-completion within six months.

43. An application which, owing to any neglect or default of an applicant, has not been completed so as to enable registration to be effected within six months of the date of application, shall be deemed to be abandoned.

Extension of Period.

Extension of period of copyright in registered design.

44. An application under sub-sections (2) and (3) of Section 44 of the Act for the extension of the period of copyright in a registered design, may be made at any time not less than one month before the expiry of the copyright.

43

Marking of Articles.

Marking of articles before delivery on sale.

45. Before delivery on sale of any articles to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED, or with the abbreviation REGD., or with the abbreviation RD., as he may choose, and also (except in the case of articles to which have been applied designs registered in classes 9, 13 or 14) with the number appearing on the certificate of registration:

Provided that the requirement of this rule and of clause (*b*) of sub-section (1) of Section 45 of the Act shall be dispensed with as regards textile goods in which the design is printed or woven other than handkerchiefs.

Inspection and Searches.

Inspection of designs.

46. Registered designs shall not, except as provided in Section 47 of the Act, be open to inspection until two years after the date of application for registration.

Search unde Section 48.

47. (1) If any person desires to obtain the information which he is entitled to obtain under Section 48 of the Act, and can furnish the registration number of the design, he shall lodge with the Controller Form 20 and the Controller shall thereupon furnish him with the information aforesaid.

(2) If the applicant is unable to furnish the registration number of the design, he shall lodge with the Controller Form 21 together with such information as is in his possession and the Controller shall thereupon cause such search to be made in the class indicated as may be possible on the information supplied, and shall furnish such information as may be obtainable. Where Form 21 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

Cancellation.

Cancellation of registration of designs under Section 48-A.

48. (1) An application to the Controller for the cancellation of the registration of a design shall be made in duplicate and shall be accompanied by a statement in duplicate setting out the nature of the applicant's interest and the facts upon which he bases his application.

(2) If the application for the cancellation of the registration of a design is made by a person who is not

the registered proprietor, a copy of the application along with the statement shall be transmitted by the Controller to the registered proprietor.

(3) If the registered proprietor intends to oppose the application, he shall, within 14 days of his receiving the application or within such further time as the Controller may allow, leave at the office a counter statement setting out the grounds on which he intends to oppose the application, and shall, within the same time, deliver to the applicant a copy of the counter-statement.

(4) Within 14 days of his receiving the counter-statement or within such further time as the Controller may allow, the applicant may leave a rejoinder at the office; and if any such rejoinder is left, he shall within the same time, deliver a copy of it to the registered proprietor.

(5) At any time after the completion of the pleadings hereinbefore described, the Controller shall appoint a date for the hearing of the application and shall give the parties not less than ten days' notice of such date.

(6) The Controller may require or may allow the production of oral evidence in amplification or in confirmation of the pleadings, and he may require the attendance of the applicant or the registered proprietor or any other person whose evidence he may consider desirable.

(7) If either the applicant or the registered proprietor desires to be heard either in person or by his representative, he shall intimate this fact by leaving Form 7 duly filled in at the office; and the Controller may refuse to hear any person who has not left Form 7 or whose name has not been entered in the Form.

CHAPTER IV.

GENERAL.

Register of Patents and Designs.

Entry of Grant.

49. Upon the sealing of a patent, the Controller shall cause to be entered in the Register of Patents the name, address and nationality of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the grant thereof, together with the address for service.

45

Entry in respect of Reciprocity application.

50. The patent granted on any reciprocity application shall be entered in the register as dated of the official date of the first British or Indian application in respect of which the reciprocity application was made and the payment of renewal fees and the expiration of the patent shall be reckoned as from that date. The date of the reciprocity application shall also be entered in the register.

Entry of renewal Fee.

51. Upon payment of the fee prescribed for the continuance of a patent, the Controller shall cause to be entered in the Register of Patents a record of the date of payment of such fee.

Registering Designs.

52. When a design is accepted, there shall be entered in the Register of Designs, in addition to the particulars required by the Act, the number of the design, the class in which it is registered, the date of filing the application for registration in this country, the reciprocity date, if any, claimed for the registration and such other matters as would affect the validity or proprietorship of the design.

Alteration of address.

53. If a patentee or a proprietor of a registered design sends to the Controller notice in respect of an alteration in his name, or address, or addresses for service, the Controller shall cause the register to be altered accordingly.

Application for entry of subsequent proprietorship.

54. Where a person becomes entitled, by assignment, transmission, or other operation of law, to a patent, or to a copyright in a registered design, or to any interest therein, as mortgagee or licensee, application shall be made to the Controller for the entry in the register, of his name as proprietor or part proprietor of the patent, or design or of a notice of such interest, as the case may be.

Particulars in applications.

55. An application under rule 54 shall contain the name, address and nationality of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims.

Production of documents of title and other proof.

56. Every assignment, and every other document containing, giving effect to or being evidence of the transmission of a patent or of copyright in a registered design or affecting the proprietorship thereof as claimed by such application, shall, unless the Controller otherwise directs, be presented to him together with the application, and he may call for such other proof of title or written consent as he may require for his satisfaction:

Provided that in the case of a document which is a public document, an official or certified copy thereof may be presented.

Form of entry.

46 57. The entry to be made in the registers on a request under rule 54 shall be in the following form:—

"In pursuance of an application received on the.....

registered as Proprietors / Licenses / Mortgages, etc. by virtue of assignment / license / mortgage deed, / etc.

dated.....and made between.....
of the one part and.....of the other part.

Entry of notification of documents.

58. An application for entry in the registers of notification of any document (not already provided for) purporting to affect the proprietorship of a patent, or of a registered design, shall be accompanied by an attested copy of the document, the accuracy of such copy being certified as the Controller may direct, and the original document shall at the same time be produced and left at the office if required for further verification.

Hours of inspection of registers.

59. The registers of patents and designs shall be open to the inspection of the public at all times on which the office is open to the public, except at times when they are required for actual official use.

Rectification of registers.

60. If an application is made for the rectification of the Register of Patents or Designs under Section 61 of the Act, the Controller shall notify all persons whose names, at the time of the application, are entered on the register as claiming an interest in the patent or design, and shall advertise the application in the official Gazette.

Opposition to rectification.

61. Notice of opposition to any rectification of the Register of Patents or the Register of Designs may be given within six weeks of the advertisement of the application for rectification and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Appeals.

Appeals to Government.

62. (1) An appeal to the Government of His Highness the Maharaja of Mysore under any provision of the Act from a decision of the Controller shall be lodged with the Controller in duplicate and shall state fully the reasons for appealing.

(2) The Controller shall forward one copy of the appeal to the Government through the Secretary to Government, Development Department, who shall notify the appellant of its receipt.

(3) In appeals under Sections 9, 10 (1-A), 16 and 17 of the Act, the Government may either dismiss the appeal summarily or call upon the appellant or his agent to serve a copy of the appeal on the respondent or his agent.

(4) When so required by the Government, the appellant or his agent shall forthwith furnish the respondent or his agent with a copy of the appeal and intimate to the Controller the date of supply of the copy.

(5) If a copy of the appeal is supplied to the respondent or his agent, the respondent or his agent may leave at the office a reply in writing within one month of the date of receipt of a copy of the appeal. Every such reply shall deal in full with the statement of the appeal and shall be in triplicate.

(6) If a reply is supplied under sub-rule (5), the Controller shall furnish the appellant or his agent with one copy thereof and forward one copy to the Government.

(7) After considering the appeal and the reply, if any, the Government may either allow the appeal or call upon the appellant or his agent to furnish a rejoinder, and, if so called upon, the appellant or his agent shall leave at the office a rejoinder in writing within one month of the date of such requisition. The rejoinder shall be confined strictly to matters in reply and shall be in triplicate. One copy of the rejoinder shall be sent by the Controller to the respondent or his agent and one copy to Government.

(8) On completion of these proceedings, if any, or at such other time as he may see fit, Government shall consider the appeal together with the reply and the rejoinder if any, and decide the case. The decision of Government shall be communicated to the Controller and to the parties or their agents by the Secretary to Government, Development Department.

Certificates.

63. Certified copies of any entry in the registers or certified copies of, or extracts from patents, specifications, disclaimers, affidavits, declarations and other public documents in the office, or of or from registers and other books kept there, shall be furnished by the Controller on payment of the prescribed fee. Certified copies of documents.

Miscellaneous Powers of the Controller.

Exercise of discretionary power of Controller.

64. The time within which a person entitled under Section 64 of the Act, to an opportunity of being heard shall exercise his option of requiring to be heard shall be one month from the date of a notice which the Controller shall give to such person or his agent before determining the matter with reference to which such person is entitled to be heard. If within that month such person or his agent requires to be heard, the Controller shall appoint a date for the hearing and shall give ten days' notice thereof:

Provided that if the giving of ten days' notice would cause an application for a patent or for the registration of a design to become void before the hearing, the Controller may curtail the period of notice.

Controller may require statement.

65. Whether an applicant or agent desires to be heard or not, the Controller may at any time require him to submit a statement in writing within a time to be notified by the Controller, or to attend before him and make explanations with respect to such matters as the Controller may require.

General Powers of amendment.

66. Any document for the amending of which no special provision is made by the Act may be amended, and any irregularity in procedure which, in the opinion of the Controller, may be obviated without detriment to the interests of any person, may be corrected if the Controller thinks fit, and upon such terms as he may direct.

General power to enlarge time.

67. The time prescribed by these rules for doing any act or taking any proceeding thereunder may be enlarged by the Controller, if he thinks fit, and upon such terms as he may direct.

Repeal.

Repeal.

68. The Mysore Patents and Designs Rules, 1926, are hereby superseded, provided that any application or other matter pending under those rules on the date of the coming into force of these rules shall be disposed of under those rules.

THE FIRST SCHEDULE 49

(*Vide* SECTION 54.)

Fees.

Number of entry	On what payable	Number of Form.	Proper Fee
			Rs. a. p.
1	On application for a patent under Section 3, 15-A or 75.	1; 1A; 1B; 1C; 1AC; 1BC; 1CC; 2; 2A; 3C; 2AC.	10 0 0
2	On application for extension of time for filing documents under Rule 11.—	4	...
	One month	...	10 0 0
	Two months	...	20 0 0
	Three months	...	30 0 0
3	On application for extension of time to accept application under Section 5 (4).	4	20 0 0
4	On notice of opposition under Section 9 (1).	6	5 0 0
5	On notice of intention to attend hearing under Section 9 (2). By applicant and opponent, respectively.	7	10 0 0
6	On request of sealing under Section 10(1)...	8	30 0 0
7	On notice of intention to attend hearing under Section 10(1A) by each party.	7	10 0 0
8	On application for extension of time under Sections 10 (2) (b)—	4	...
	One month	...	10 0 0
	Two months	...	20 0 0
	Three months	...	30 0 0
9	For renewal under Section 14—		
	(a) *In respect of patents, the application for which was made before the 3rd July 1939.*—		
	Before expiration of 4th year in respect of the 5th year.	...	50 0 0
	Before expiration of 5th year in respect of the 6th year.	...	50 0 0
	Before expiration of 6th year in respect of the 7th year.	...	50 0 0
	Before expiration of 7th year in respect of the 8th year.	...	50 0 0
	Before expiration of 8th year in respect of the 9th year.	...	50 0 0

50

Number of entry	On what payable	Number of Form.	Proper Fee Rs.	a.	p.
	Before expiration of 9th year in respect of the 10th year.	...	100	0	0
	Before expiration of 10th year in respect of the 11th year.	...	100	0	0
	Before expiration of 11th year in respect of the 12th year.	...	100	0	0
	Before expiration of 12th year in respect of the 13th year.	...	100	0	0
	Before expiration of 13th year in respect of the14th year.	...	100	0	0
	Before expiration of 14th year in respect of the 15th year.	...	150	0	0
	Before expiration of 15th year in respect of the 16th year.	...	150	0	0
	(b) *In respect of patents, the application for which was made on or after the 3rd July 1939.*—				
	Before expiration of 4th year in respect of the 5th year.	...	50	0	0
	Before expiration of 5th year in respect of the 6th year.	...	50	0	0
	Before expiration of 6th year in respect of the 7th year.	...	50	0	0
	Before expiration of 7th year in respect of the 8th year.	...	50	0	0
	Before expiration of 8th year in respect of the 9th year.	...	100	0	0
	Before expiration of 9th year in respect of the 10th year.	...	100	0	0
	Before expiration of 10th year in respect of the 11th year.	...	100	0	0
	Before expiration of 11th year in respect of the 12th year.	...	100	0	0
	Before expiration of 12th year in respect of the 13th year.	...	150	0	0
	Before expiration of 13th year in respect of the 14th year.	...	150	0	0
	Before expiration of 14th year in respect of the 15th year.	...	150	0	0
	Before expiration of 15th year in respect of the 16th year.	...	150	0	0
	NOTE.—*The fees for two or more years may be paid in advance.*				

Number of entry	On what payable	Number of Form	Proper Fee Rs. a. p.
10	On application for extension of time for payment of renewal fees under Section 14 (2).—	4	...
	One month	...	10 0 0
	Two months	...	20 0 0
	Three months	...	30 0 0
11	On petition for extension of term of patent under Section 15.	9	50 0 0
12	On notice of opposition to extension of term of patent under Section 15 (2).	6	5 0 0
13	On certificate of renewal in respect of each year, on patents extended or a new patent granted under Section 15.	...	150 0 0
14	On application for restoration of lapsed patents under Section 16.	10	100 0 0
15	On notice of opposition to restoration under Section 16.	6	5 0 0
16	On notice of intention to attend hearing under Section 16. By applicant and opponent, respectively.	7	10 0 0
17	On application to amend under Section 17 before acceptance.	11	10 0 0
	After acceptance ...	...	20 0 0
18	On notice of opposition to amendment under Section 17 (3).	6	5 0 0
19	On notice of intention to attend hearing under Section 17 (4). By applicant and opponent, respectively.	7	10 0 0
20	On petition for compulsory licence or revocation under Sections 22 and 23.	...	10 0 0
21	On offer to surrender a patent under Section 24.	12	10 0 0
22	On notice of opposition to the surrender of a patent under rule 33.	6	5 0 0
23	On notice of intention to attend hearing under Section 24. By applicant and opponent, respectively.	7	10 0 0
24	For duplicate of a patent under Section 38.	13	10 0 0
25	On notice to Controller of intended exhibition of an invention or design under Section 39 or 49.	14	5 0 0
26	On request to register design under Section 40 or 75.—	15,16	...
	In classes 1 to 12 ...	...	3 0 0
	In classes 13 to 15 ...	...	0 8 0

52

Number of entry	On what payable	Number of Form	Proper Fee
			Rs. a. p.
27	On request to register design under Section 40 to be applied to a set in a Class.	17	3 0 0
28	On request for written decision under rule 41.	18	5 0 0
29	On request to extend copyright under Section 44. NOTE.—*This fee may be paid in advance.*	19	10 0 0
30	On request to inspect under Section 47 ...	...	1 0 0
31	On request for information under Section 48 when registration number is supplied.	20	2 0 0
32	On request for information under Section 48 when registration number is not supplied.	21	10 0 0
33	On request for inspection of the register under Section 56.	....	1 0 0
34	On request for certificate under Section 56.	29	5 0 0
	An additional fee of one anna for every 100 words or part thereof will be charged for preparing copies of specifications, etc. Drawings will be charged according to agreement.	...	...
35	For office copies of drawings ...	...	Cost according to agreement.
36	For certifying office copies, M S S or printed each.	...	2 0 0
37	For office copy of design ...	...	Cost according to agreement.
38	On request to correct under Section 59 ...	28	5 0 0
39	On application to the Controller for cancellation of registration of design under Section 48-A.	22	5 0 0
40	On notice of intention to attend hearing under rule 48.	7	10 0 0
41	On application under Section 63 for entry of name of subsequent proprietor in the Register of Patents or of Designs, if made within six months from date of acquisition of proprietorship or of the coming into force of these rules.	25	...
	In respect of one patent or design.	...	5 0 0
	For each additional patent or design.	...	2 0 0

Number of entry	On what payable	Number of Form	Proper Fee
			Rs. a. p.
42	On application under Section 60 for entry of name of subsequent proprietor in the Register of Patents or of Designs, if made after expiration of six months from the date of acquisition of proprietorship and the coming into force of these rules :—	25	...
	In respect of one patent or design.	...	20 0 0
	For each additional patent or design.	...	2 0 0
43	On application under Section 60 for entry of notice of a mortgage or licence in the Register of Patents or of Designs, if made within six months from the date of acquisition of interest or the comin g into force of these rules :—	26	...
	In respect of one patent or design.	...	5 0 0
	For each additional patent or design.	...	2 0 0
44	On application under Section 60 for entry of notice of a mortgage or licence in the Register of Patents or of Designs, if made after expiration of six months from the date of acquisition of interest and the coming into force of these rules :—	26	...
	In respect of one patent or design.	...	20 0 0
	For each additional patent or design.	...	2 0 0
45	On application under Section 60 for entry of notification of a document in the Register of Patents or of Designs. If made within six months from date of documents, the grant of the patent, the registration of the design, or the coming into force of these rules :—	27	...
	In respect of one patent or design.	...	5 0 0
	For each additional patent or design.	...	2 0 0

Number of entry	On what payable	Number of Form	Proper Fee
			Rs. a. p.
46	On application under Section 60 for entry of notification of a document in the Register of Patents or of Designs, if made after expiration of six months from the date of document, the grant of the patent, the registration of the designs and the coming into force of these rules :—	27	..
	In respect of one patent or design.	..	20 0 0
	For each additional patent or design.	..	2 0 0
47	On request to alter name, address or address for service in Register under Section 59.	23	1 0 0
48	For entry of two addresses for service in Register under Section 20 or 43.	24	2 0 0
49	On application for rectification of Register under Section 61.	30	10 0 0
50	On notice of opposition to the rectification of the Register under rule 61.	6	5 0 0
51	On notice of intention to attend hearing under rule 64 by applicant and opponent, respectively.	7	10 0 0
52	On appeal from the Controller to the Government under Sections 5, 9, 10 (1) (A), 16, 17, 40 or 66.	5	30 0 0

55

THE SECOND SCHEDULE.

LIST OF FORMS.

Form No.	Section of the Act	Title
*1	3	Application for patent when inventor is a sole or joint applicant.
*1A	3	Application for patent by assignee or legal representative of inventor.
*1B	3	Application for patent for invention "communicated" from abroad.
*1C	15A	Application for patent of addition when inventor is a sole or joint applicant.
*1AC	15A	Application for patent of addition by assignee or legal representative of inventor.
*1BC	15A	Application for patent of addition for invention "communicated from abroad."
*1CC	15A	Application for second or subsequent patent of addition.
*2	75	Application for patent under reciprocal arrangement, by "British or Indian Applicant."
*2A	75	Application for patent under reciprocal arrangement, by assignee or legal representative of "British or Indian applicant."
*2C	15A, 75	Application for patent of addition under reciprocal arrangement by "British or Indian applicant"
*2AC	15A, 75	Application for patent of addition under reciprocal arrangement, by assignee or legal representative of "British" applicant.
*3	4	Specification.
*4	15(4), 10(2), 14 (2) Rule 11.	Application for extension of time.
5	5, 9, 10(A), 16, 17, 46, 63.	Appeal.
*6	9(1), 15, 16, 17 (Rule 25, or 33 or 61).	Notice of opposition.
*7	9(2), 10(1)(A), 16, 17, 24, 15 (A) Rule 48 or 58.	Notice of intention to attend hearing.
*8	10	Request for sealing.
9	15	Petition for extension of patent.
10	16	Application for restoration of patent.
*11	17	Application to amend.
12	24	Offer to surrender patent.
13	39	Application for duplicate patent.

Form No.	Section of the Act	Title
14	37, 48	Notice of intended exhibition.
*15	40	Application for registration of design.
*16	75	Application for registration of design under reciprocal arrangements.
*17	40	Application for registration of design applicable to a set.
18	(Rule 41)	Request for grounds of decision.
19	44	Application for extension of copyright.
20	48	Request for information when registration number is furnished.
21	48	Request for information when registration number is not furnished.
22	48A	Application to the Controller to cancel registration of design.
23	49	Request to alter name or address or address for service in Register.
24	20, 43	Request for entry for two addresses in Register.
*25	60	Application for entry in Register.
*26	60	Application for entry in Register.
*27	20, 60 (Rule 58)	Application for entry of notification of documents in Register.
28	59	Request for correction.
*29	56 (Rule 63)	Request for certificate.
30	61	Application for rectification of Register.
31	73	Power of authority to agent.

FORM No. 1] 57 [FEE RS. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for patent when the true and first inventor is sole or joint applicant.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)_____ Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(i) that I am (or we are) in possession of an invention for_____ Insert title of invention.

(ii) that (I or we) (or the said_____) claim to be the true and first inventor thereof ; State who is the inventor.

(iii) that the invention is not in use in the Mysore State by any other person ;

(iv) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(v) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this_____day of_____19 . To be signed by applicant or applicants.

(Signed)_____

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM NO. 1 A.] [FEE RS. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for patent when the true and first inventor is NOT a party to the application.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) Name, address and nationality of applicant or applicants.

I (or we)_____

hereby declare :—

Insert title of invention.

(1) that I am (or we are) in possession of an invention for_____

Insert name. Insert (in full) name, address and nationality of inventor.

(2) that I (or we) (or the said_____)claim to be the assign of (or the legal representative of)_____ who claims and is (are) believed to be the true and first inventor(s) thereof ;

(3) that the invention is not in use in Mysore State by any other person ;

(4) that the specification filed with this application, is and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates ;

(5) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this_____day of_____19 .

To be signed by applicant or applicants.

Signed _____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

(Endorsement by Inventor) (See Rule 10—2).

Insert (in full) name address and nationality.

I (or we)_____ referred to on the reverse of this document as claiming to be the true and first inventor(s) agree that the said application shall be made without my (or our) name(s) as (an) applicant(s) for a patent.

Dated this_____day of_____19 .

Signed _____

Signature of two witnesses :—

1. _____

2. _____

MYSORE PATENTS AND DESIGNS ACT.

Application for patent when the true and first inventor is NOT a party to the application.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we) _____

Insert (in full) name, address and nationality of applicant or applicants.

hereby declare:—

(1) that I am (or we are) in possession of an invention for— _____

Insert title of invention.

(2) that I (or we) (or the said _____)claim to be the assign of (or _____

Insert name. Insert (in full) name, address and nationality of inventor.

who claims and is (are) believed to be the true and first inventor (s) thereof;

(3) that the invention is not in use in Mysore State by any other person;

(4) that the specification filed with this application, is and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates;

(5) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this _____ day of _____ 19 .

Signed _____

To be signed by applicant or parties.

To

The Controller of Patents and Designs in Mysore, Bangalore.

(Endorsement by inventor) (See Rule 10—2).

I (or we) _____

Insert (in full) name, address and nationality.

referred to on the reverse of this document as claiming to be the true and first inventor (s) agree that the said application shall be made without my (or our) name (s) as (an) applicant (s) for a patent.

Dated this _____ day of _____ 19 .

Signed _____

Signature of witnesses:—

1.

2.

FORM 1 B.] [FEE RS. 10

60

MYSORE PATENTS AND DESIGNS ACT.

Application for patent for invention communicated from abroad.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name address and nationality of applicant or applicants.

I (or we)——

hereby declare :—

Insert title of invention.

(1) that I am (or we are) in possession of an invention for——

Insert (in full) name, address and nationality of communicator or communicators.

which invention has been communicated to me (or us) by——

(2) that (I or we)——

claim to be the true and first inventor (s) thereof ;

(3) that the invention is not in use in the Mysore State by any other person;

(4) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(5) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief;

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this——————day of ——————19 .

To be signed by applicant or applicants.

(Signed)——————————————————

To

The Controller of Patents and Designs in Mysore, Bangalore.

FORM 1 C.] [FEE RS. 10.

61

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition when the true and first inventor is sole or joint applicant.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)———— Insert (in full) name, address and nationality of applicant or applicants.

(1) that I am (or we are) in possession of an invention for————

(2) that———— State who is or are the inventor or inventors.

claim to be the true and first inventors thereof ;

(3) that the invention is not in use in the Mysore State by any other person;

(4) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the———— and numbered———— ————(for which I was (we were) the applicant (s) of which I was (we were) the patentee (s) ;

(5) that the specification filed with the application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(6) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this————day of————19

(Signed)———— To be signed by the applicant or applicants.

To

The Controller of Patents and Designs in Mysore, Bangalore.

FORM I.A.C.] 62 [FEE RS. 10

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition when the true and first inventor is not a party to the application.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name and address and nationality of applicant or applicants.

I (or we)———————————————

FORM NO. 1BC.] 63 [FEE RS. 10

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition for invention communicated from abroad.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)———— Insert (in full) name, address and nationality of applicant or applicants

hereby declare :—

(1) that I am (or we are) in possession of an invention for—— Insert title of invention.

which invention has been communicated to me (or us) ;

(2) that I (or we) claim to be the true and first inventor (s) thereof ; Insert (in full) name, address and nationality of communicator or communicators.

(3) that the invention is not in use in Mysore State by any other person ;

(4) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the—————and numbered———— (for which I was/we were the applicant(s) (of which I am/we are the patentee(s) ;

(5) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(6) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this ————day of———— 19

Signed———— To be signed by applicant or applicants.

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM NO. 1CC.] 64 [FEE RS. 10

MYSORE PATENTS AND DESIGNS ACT.

Application for second or subsequent patent of addition.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name, address and nationality of applicant or applicants.

I (or we) thereby declare ——

Insert title of invention.

(i) That I am (or we are) in possession of an invention for ——

State who is or are the inventor or inventors.

(ii) that ——

Claim to be the true and first inventor(s) thereof;

(iii) that the invention is not in use in the Mysore State by any other person;

(iv) that the said invention is an improvement in or modification of my (or our) invention, for which a patent (hereinafter called the original patent) was applied for on the ——————————and numbered ——————————(for which I was/we were the applicant(s) (of which I am/we are the patentee(s) as improved upon or modified by my (or our) invention for which a patent of addition was supplied for on the ——————————and numbered—————————— (for which patent of addition I was/we were the applicant(s) (of which patent of addition I am/we are the patentee(s);

(v) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(vi) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this ——————day of——————19 .

To be signed by applicant or applicants.

(Signed)——————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM 2.] [FEE Rs. 10.

65

MYSORE PATENTS AND DESIGNS ACT.

Application for patent under reciprocal arrangements with the United Kingdom or in any part of British India or with States in India.

SECTION 75.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)_____ Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(i) that I (or we) have made application(s) for the protection of an invention for_____ Insert title of invention.

in the United Kingdom, following the parts of British India and the ollowing States in India and on the following official dates_____ Insert the name United Kingdom and parts of British India and the States in India followed by the official date of the application in each, respectively.

(ii) that the invention was not in use in the Mysore State by any other person before the_____;

(iii) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ; Insert the official date of the earliest "British" or Indian application see Rule 2 (b).

(iv) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants and that such patent shall have the date_____

Dated this_____day of_____19 . To be signed by applicant or applicants.

(Signed)_____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM 2A.] 66 [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for patent by legal representatives or assignee under reciprocal arrangements with the United Kingdom or any part of British India with States in India.

SECTION 75.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name, address and nationality or applicant or applicants.

I (or we)_____

hereby declare :—

Give name and address of nationality of British or Indian applicant or applicants.

(i) that I (or we) (or the said_____) am/are/is the legal representative(s) of deceased or the assignee of_____

(ii) that_____

has (or have) (jointly with me/us) made application(s) for the protection of an invention for_____

Insert title of invention.

Insert the name United Kingdom and other parts of British India and the States in India followed by the official date of the application in each, respectively.

in the United Kingdom, the following other parts of British India and the following States in India and on the following official date(s)

(iii) that the invention was not in use in British India by any other person before the_____

(iv) that the specification filed with this application is, is and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(v) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

Insert the official date of the earliest "British" or Indian application. See Rule (2) (b).

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants and that such patent shall have the date_____

Insert the official date of the earliest "British" or Indian application. See Rule (2) (b). To be signed by applicant or applicants.

Dated this_____day of_____19 .

(Signed)_____

To

The Controller of Patents and Designs in Mysore,

Bangalore.

67

ENDORSEMENT BY THE BRITISH OR INDIAN APPLICANT.

[See Rule ii (2).]

I (or we)_____ Insert (in full) name, address and nationality.

referred to on the reverse of this document as claiming to be the applicant(s) in the countries specified in paragraph (II) hereby state that the applicant(s) who has/have signed his / their name(s) on the reverse of this form in my/are our assignee(s).

Dated this_____day of_____19 .

(Signed)_____

Signature of two witnesses.

1. _____

2. _____

FORM 2C.] [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition under reciprocal arrangements with the United Kingdom or any other parts of British India or with States in India.

SECTION 15A AND 75.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name, address and nationality of applicant or applicants.

I (or we) ——

hereby declare:—

Insert title of invention.

(i) that I (or we) have made application(s) for the protection of an invention for——————————————————————————————————————

Insert the name United Kingdom and the names of other parts of British India and the States in India followed by the official date of the application in each respectively.

in the United Kingdom, the following other parts of British India and the following States in India and on the following official dates;

Insert the official date of the earliest "British" or Indian application. See Rule 2 (b).

(ii) that the invention was not in use in the Mysore State by any other person before the——————————;

(iii) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the——————————and numbered——————————(for which I was/we were the applicant) of which I am/we are the patentee (s);

(iv) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(v) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

Insert the official date of the earliest "British" or Indian application. See Rule 2 (b).

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants, and that such patent shall have the date——————————and request that the term limited in such further patent for the duration thereof be, the same as that of the original patent, or so much of that term as is unexpired.

Dated this——————day of——————19 .

To be signed by applicant or applicants.

(Signed.)——————————

To

The Controller of Patents and Designs in Mysore,

Bangalore

FORM 2AC.] 69 [FEE RS. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition by legal representatives or assignees under reciprocal arrangements with the United Kingdom or other parts of British India or with States in India.

SECTIONS 15A AND 75.

To be accompanied by the specification on Form 3 in duplicate.

I (or we)———— Insert in full, name, address and nationality of applicant or applicants.

hereby declare :—

(i) that I (we) (or the said———————) am/are/is the legal representative(s) of———— deceased, or the assignees of———— Give name, address and nationality of "British" or Indian applicant or applicants.

(ii) that———— Insert the name United Kingdom and the names of other parts of British India and the State in India followed by the official date of the application in each respectively.

has (or have) (jointly with me/us) made application (s) for the protection of an invention for————

in the United Kingdom, the following other parts of British India and the following States in India and on the following official date(s);

(iii) that the said invention was not in use in the Mysore State by any other person before the———— Insert the official date of the earliest "British" or Indian application. See Rule 2(b).

(iv) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the————and numbered————(for which I was (we were) the applicant(s) (of which I am/we are the patentee(s);

(v) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates;

(vi) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicant(s) and that such patent shall be the date————and request that the term limited Insert the official date of the earliest "British" or Indian application. See Rule 2 (b).

70.

in such further patent for duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this ——— day of ——— 19 .

To be signed by applicant or applicants.

Signed by ———

To

The Controller of Patents and Designs in Mysore,

Bangalore.

ENDORSEMENT BY THE BRITISH APPLICANT.

[*See Rule* 11 (2).]

Insert (in full) name, address and nationality.

I (or we) ———

referred to on the reverse of this document as claiming to be the applicant(s) in the countries specified in paragraph (II) hereby state that the applicant(s) who has/have signed his/their name(s) on the reverse of this form is my/are our assignee(s).

Dated this ——— day of ——— 19 .

Signed ———

Signature of two witnesses—

1. ———

2. ———

FORM 3.]

MYSORE PATENTS AND DESIGNS ACT.

(To be supplied in duplicate with Form 1, 1A, 1B, 1C, 1AC, 1BC, 1CC, 2, 2A, 2C or 2AC.)

SPECIFICATION.

SECTION 4.

No Fee.

* _____

_____

† _____

The following specification particularly describes and ascertains the nature of the invention and the manner in which the same is to be performed :—

‡ _____

_____

_____

_____

_____

*Insert title verbally agreeing with that in the application form.

†Insert in full, name, address and nationality of applicant or applicants as in application form.

‡Here begin full description of the invention. The continuation of the specification should be upon the paper of the same size, on one side only, with a margin of 1½ inches on the left hand part of the paper. The completion of the description should be followed by the words "I (or we) claim, after which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be signed at the end and dated thus :— Dated the ..... day of .....19 .

NOTE.—In the preparation of the claim or claims, any unnecessary multiplicity of claims or prolicity of language should be avoided.

FORM 4.] [FEE—(See Foot Note).]

72

MYSORE PATENTS AND DESIGNS ACT.

Application for Extension of Time.

SECTIONS 5, 10, 14 OR RULE 11.

Insert (in full) name, address and nationality.

I (or we)——————————————————————————

hereby apply for————months' extension of time—

A, B, C, D, strike out the words which are not applicable. Quote number and year of application or patent.

(*a*) Under section 5 (4) for the acceptance of the application for a patent No.————of————————————;

(*b*) Under section 10 (2) (d) for the sealing of a patent on application No————of————————————;

(*c*) Under Section 14 (2) for payment of renewal fee on the patent No————of————————————;

(*d*) Under Rule 11 for leaving copy (or copies) of the British or Indian specification (or specifications) drawings or documents in respect of application No————of————————————.

The reasons for making this application are as follows :—

———————————————————————————————

My (or our) address for service in the Mysore State is—

Dated this————day of————19

(Signed)——————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

———————————————————————————————

NOTE.—Time allowed and fees payable—

(a) three months, Rs. 20;
(b), (c) or (d) One month Rs. 10; two months Rs. 20; three months Rs. 30.

FORM 5.] 73 [FEE RS. 30.

MYSORE PATENTS AND DESIGNS ACT.

Appeal to Government under Sections 5, 9, 10 (1A), 16 17, 40 or 66.

I (or we)_____ Insert (in full) name and address of appellant or appellants.

hereby appeal to the Government of Mysore from the decision (or that part of the decision) of the Controller, dated the_____ day of_____19 . whereby he— Strike out if not applicable.

The appeal must be made within three months of the date of decision.

(*a*) Refused to accept an application for a patent under Section 5 ;

(*b*) Required an amendment under section 5 ;

(*c*) allowed an opposition under section 9 ;

(*d*) disallowed an opposition under section 9 ; Strike out parts not applicable.

(*e*) gave direction under section 10(1A);

(*f*) restored a lapsed patent under section 16 ;

(*g*) refused to restore a lapsed patent under section 16 ;

(*h*) allowed an amendment under section 17 ;

(*i*) refused to allow an amendment under section 17 ;

(*j*) refused to register a design under section 40 ;

(*k*) refused to grant a patent or register a design under section 66.

The reasons for appealing and the full statement of the grounds upon which I (or we) rely for objecting to the decision are as follows :— State fully continuing on further sheets and on one side only. The last page must be dated and signed.

My address for service in Mysore State :

Dated this_____day of_____19

(Signed)_____

FORM No. 6]. [FEE RS. 5.

MYSORE PATENTS AND DESIGNS ACT.

Notice of opposition.

SECTIONS 9, 15, 16 OR 17 OR RULES 25, 33 OR 61.

(To be supplied in duplicate.)

Insert the name in full and address of applicant or applicants.

I (or we)_____

hereby give notice of my (or our) intention to oppose—

(a), (b), (c), (d), (e), (f), (g) strike out when not applicable.

(a) Under section 9, the grant of a patent on application No._____;

(b) Under section 15 the prolongation of the term of Patent No._____;

(c) Under section 16, the restoration of lapsed Patent No._____;

(d) Under section 17, the amendment of application or Specification No._____;

(e) Under rule 25, the petition for extension of term of Patent No._____;

Insert No. and date.

(f) Under rule 33, the surrender of Patent No._____;

(g) Under rule 61, the rectification of the Register of Patents/Designs in respect of Patent / designs No._____;

*Insert name of applicant, grantee or proprietor.

*Filed by _____
Granted to _____
Registered in the name (s) of _____

The grounds of opposition are as follows :—

Insert grounds and short statement of the facts of the case.

_____

_____

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address of service in Mysore State is as follows :—

_____

_____

Dated this_____day of_____19 .

To be signed by opponent or opponents.

(Signed)_____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 7.] [FEE RS. 10.

MYSORE PATENTS AND DESIGNS ACT.

Notice of intention to attend hearings.

SECTIONS, 9, 10 (1A), 16, 17, 24 OR RULE 48 OR 58.

I or we)———— Insert in full name and address.

hereby give notice that the hearing in reference to———— Insert particulars.

will be attended by myself (or ourselves) or by some person on my (or our) behalf.

Dated this————day of————19 .

(Signed)————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

NOTE.—The Controller may refuse to hear any party who has not left this notice and paid the prescribed fee before the date fixed for the hearing.

FORM NO. 8.] [FEE RS. 30.

MYSORE PATENTS AND DESIGNS ACT.

Request for Sealing.

SECTION 10.

I (or we)———— Insert (in full) name, address and nationality.

desire to have a patent sealed on my (or our) application No.———— Insert No. and date.
of————and request that the following address in Mysore State may be entered on the Register as my (or our) address for service in Mysore State————

Dated this————day of————19 .

(Signed)———— To be signed by applicant or applicants or his or their authorised Agents.

NOTE.—If a Patent is to be sealed so that rights may accrue under section 12 of the Act, this request, together with the fee of Rs. 20 must be received in the Patent Office before the expiration of 18 months from the date of the application or within such extended times as are allowed in section 10(2). An extension of time not exceeding three months shall be allowed under section 10 (2) (d) on application being made on Form 4 accompanied by the fee of Rs. 10 for one month, Rs. 20 for two months, or Rs. 30 for three months.

FORM No. 9.] [FEE RS. 50.

MYSORE PATENTS AND DESIGNS ACT.

Petition for extension of term of Patent.

SECTION 15.

Insert No. and date of Patent, name of grantee and title of invention.

In the matter of Patent No.————dated————and granted to————for an invention for ————————————————

and

In the matter of Section 15 of the Mysore Patents and Designs Act 1925.

To

The Government of His Highness the Maharaja of Mysore,
Bangalore.

Insert in full name, address and nationality of the petitioner or petitioners.

The humble petition of————————————————
————————————————
————————————————

sheweth as follows:—

Insert date and number of patent name of grantee and title of invention.

On the————day of————letters patent numbered————
were granted to————————————————
for an invention for————————————————
————————————————

That the facts and matters stated herein are true to the best of your petitioner's knowledge, information and belief.

Your petitioner (s) therefore humbly pray (s) that the said letters patent may be extended for a further term of————years, or for such other term as the Government of Mysore shall deem fit.

Dated this————day of————19

(Signed)————————————————

Petitioner.

NOTE.—(1) Here set forth (a) the circumstances under which the petitioner obtained rights in the patent; (b) History of the art with special reference to the invention and subsequent improvement; (c) the special utility and advantages of the invention in relation to the public; (d) all information relating to foreign patents (e) the rights of third parties such as licensees, etc.,; (f) the difficulties with which the pateutee has had to contend in introducing into Mysore State the manufacture according to his invention; (g) Statement regarding the inadequacy of remuneration.

(2) The continuation of the petition should be upon paper of the same size on one side only with a margin of 1½ inches on the left hand part of the paper.

FORM. NO. 10.] [FEE RS. 100

77

MYSORE PATENTS AND DESIGNS ACT.

Restoration of Patent.

SECTION 16.

I (or we)———— Insert (in full) name, address and nationality of applicant or applicants.

hereby apply for an order of the Controller for the restoration of the patent No.————of————granted to———— Insert No. and date.

The circumstances which have led to the omission to pay the fee of Rs.————on or before the———— State last date when fee was due.

day of————are as follows :—

———— The circumstances must be stated in detail.

I (or we) hereby declare that I (or we) have not assigned the patent to any other person and that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in Mysore State.

Dated this ————day of————19

(Signed) ———— To be signed by applicant or applicants.

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 11.] [FEE RS. 10

BEFORE ACCEPTANCE.
RS. 20 AFTER ACCEPTANCE.

Before acceptance Rs. 20 after acceptance.

MYSORE PATENTS AND DESIGNS ACT.

Amendment.

SECTION 17.

Insert (in full) name and address of applicant or patentee.

I (or we)_____

State whether application, specification or drawings.

_____

_____

seek leave to amend the_____

of application for Patent No._____,dated_____

as shown in Red Ink in the copy hereunto annexed.

Strike out this paragraph if a patent has not been sealed.

I (or we) declare that no action for infringement or for the revocation of the letters patent in question is pending before a court.

My (or our) reasons for making this amendment are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in Mysore State.

To be signed by applicant or patentee.

Dated this_____day of_____19 .

(Signed) _____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 12.] [FEE RS. 10.

764

MYSORE PATENTS AND DESIGNS ACT.

Surrender of Patent.

SECTION 24.

I (or we)_____ Insert (in full) name, address and nationality of applicant or applicants.

hereby offer to surrender the Patent No._____,dated_____ Insert Number and date.

_____granted to_____

I (or we) declare that no action for infringement or for the revocation of the letters patent in question is pending before a court.

My (or our) reasons for making this offer are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for services in Mysore State.

Dated this_____day of_____19 .

(Signed) _____ To be signed by applicant or applicants.

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 13.] [FEE RS. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for Duplicate Patent.

SECTION 38.

Insert (in full) name, address and nationality.

I (or we)———

———

———

regret to have to inform you that the Patent No. ———

Insert name of original grantee.

dated———granted to———

———

———

Insert the word "lost" or destroyed as the case may be and state fully the circumstances.

has been———

———

———

———

———

Also state the interest possessed by the applicant or applicants in the patent.

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) beg therefore to apply for the issue of a duplicate of such patent.

Dated this———day of———19 .

(Signed)———

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 14.] [FEE RS. 5.

MYSORE PATENTS AND DESIGNS ACT.

Notice of intended exhibition of an unpatented invention or unregistered design.

SECTION 39 OR 42.

I (or we)———— Insert (in full) name and address.

hereby give notice of my (or our) intention to exhibit a————

of———— at the ————

Exhibition which ———— State "Opened" or "is to open."

————on the ————

day of ———— Insert brief description of invention accompanied by drawings if necessary or brief description of the design with sketch drawing or specimen.

under the provisions of the Mysore Patents and Designs Act, 1925.

I (or we) herewith enclose a brief description of my (or our)————

Dated this———— day of———— 19 .

(Signed)————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM NO. 15.] [FEE ANNAS 8 OR RS. 3 ACCORDING TO CLASS.

MYSORE PATENTS AND DESIGNS ACT.

Application for Registration of Design.

SECTION 40.

Insert number of class.

You are requested to register the accompanying design in Class No. ——————————in the name of ——————————

Insert (in full) the name, address and nationality.

——————————

——————————

——————————

——————————

——————————

who claim(s) to be the proprietor(s) thereof.

State whether drawings, photographs, tracings or specimens.

Four exactly similar——————————of the design accompany this request.

Insert name of article or articles to which the design is to be applied.

The design is to be applied to ——————————

——————————

——————————

——————————

Strike out these words if no previous registration has been effected.

The design has been previously registered in class(es)——————— under No. ——————————

Address for service in Mysore State is—

Unless an address for service in Mysore State is given, the request may not be considered. (See Rule 4.)

Dated this——————————day of——————————19

(Signed)——————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

Note.—Trade or property marks are not registered under the Mysore Patents and Designs Act, 1925.

83

FORM NO. 16.] [FEE ANNAS 8 OR RS. 3 ACCORDING TO CLASS.

MYSORE PATENTS AND DESIGNS ACT.

Application for registration of design under reciprocal arrangement with the United Kingdom or part of British India with States in India.

SECTION 75.

You are requested to register the accompanying design in Class No. ———— in the name of ————

who claim(s) to be the proprietor(s) thereof. — Insert (in full) name, address and nationality.

Four exactly similar ———— of the design accompany this request. — State whether drawings, photographs, tracings or specimens.

The design is to be applied to ———— — Insert name of article or articles to which the design is to be applied.

The design has been previously registered in class(es)———— under No. ———— — Strike out these words if previous registration has been effected.

Application has been made for the protection of the above design in class ———— under No. ———— in ————on the following official dates you are requested to register the said design under Section 75 of the Act in priority to other applicants and to have the said date of the application in ———— as the date of registration in Mysore State. — Insert the name United Kingdom, any part of British India or the States in India.

Address for service in the Mysore State is—

Dated this———— day of ———— 19

(Signed).

Unless an address or service in Mysore State is given the request may not be considered. (See Rule 4.)

To

The Controller of Patents and Designs in Mysore,

Bangalore.

Note.—Trade or property marks are not registered under the Mysore Patents and Designs Act, 1925.

84

FORM NO. 17.] [FEE Rs. 3.

MYSORE PATENTS AND DESIGNS ACT.

Application for registration of design to be applied to a set.

SECTION 40.

Insert number of class.

You are hereby requested to register the accompanying design for a set in Class No. ———— in the name of———

Insert (in full) name, address and nationality.

———

———

———

who claim(s) to be the proprietor(s) thereof.

State, whether drawings, photographs, tracings or specimens.

Four exactly similar———————————————of design accompany this request.

State the trade description of each of the articles comprised in the set.

The design is to be applied to ————————

———

———

Strike out these words if no previous registration has been effected.

The design has been previously registered in class(es)———— under No. ————————

Unless an address for service in Mysore State is given, the request may not be considered. (See Rule 4.)

Address for service in Mysore State is—

———

———

———

Dated this ————————day of————————19

(Signed)————————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

Note.—Trade or property marks are not registered under the Mysore Patents and Designs Act, 1925.

FORM No. 18.] [FEE Rs. 5.

MYSORE PATENTS AND DESIGNS ACT.

Requests for grounds of decision.

RULE 41.

Application for design No. ———— class ———— Insert number and class.

You are hereby requested under Rule 41 of the Mysore Patents and Designs Rules, 1939, to state in writing the grounds of your decision and the materials used by you in arriving at such decision

Address for service in Mysore State —

———

———

Dated this ———— day of ———— 19

(Signed).

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 19.] [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application to extend Copyright.

SECTION 44.

You are required by the undersigned who is/are the registered proprietor(s) of the Design No. ———— Registered in class ———— to extend the period of copyright for a period of five years. Insert number and design. Insert number of class.

Address for service in Mysore State is —

———

———

Dated this ———— day of ———— 19

(Signed) ————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 20.] [FEE Rs. 2.

MYSORE PATENTS AND DESIGNS ACT.

Request for search under Section 48 when registration number is supplied.

I hereby request that I may be given such information as I may be entitled to under Section 48 of the Mysore Patents and Designs Act, 1925, with respect to the design registered under No.————

Insert number of Design.

Address for service in the Mysore State is—

————————————————————

————————————————————

Dated this ————day of ———— 19 .

(Signed) ————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 21.] [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Request for search under Section 48 when registration number is not supplied.

I hereby request that a search may be made in class————
————in respect of the design (annexed hereto in duplicate) and that I may be given such information as I may be entitled to under Section 48 of the Mysore Patents and Designs Act, 1925.

Insert number of class.

Address for service in the Mysore State is—

————————————————————

————————————————————

————————————————————

Dated this ————day of ———— 19 .

(Signed) ————————————————

Address ————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore

FORM No. 22.] [FEE Rs. 5.

MYSORE PATENTS AND DESIGNS ACT.

Application for cancellation of registration of a design under Section 48-A

I (or we) _____

_____ Insert (in full) name, address and nationality.

hereby apply that the registration design No. _____ in class _____ may be cancelled on the grounds—

*(1) that the design has been previously registered in the Mysore State. Strike out *(1) and (2) when not applicable.

*(2) that it was published in Mysore State prior to the date of registration.

Address for service in the Mysore State is—

_____

Dated this _____ day of _____ 19 .

(Signed) _____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 23.] [FEE RE. 1.

MYSORE PATENTS AND DESIGNS ACT.

Notice of alteration of a name or an address or an address for service in the Register of Patents or of Designs.

SECTION 59.

In the matter of { Patent No _____ of _____ / Design No _____ Class _____

I (or we) _____

_____ Insert (in full) name and address.

hereby request that _____ name, address for _____ (or address for service) now upon the Register of Patents/Designs may be altered to _____

_____ Insert name or full address.

Dated this _____ day of _____ 19 .

(Signed) _____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE.—This form may be used only for a request to correct a name or to alter an address upon the register. It may not be used as a request to register any change of interest in patent or registered design.

FORM NO. 24.] [FEE RS. 2.

MYSORE PATENTS AND DESIGNS ACT.

Request for entry of two addresses for service in Register of Patents/Designs.

SECTION 20 OR 43.

In the matter of { Patent No.——of—— / Design No——Class——

Insert (in full) name and address.

I (or we) _____

_____

_____

hereby request that the two following addresses for service may be entered in the Register of Patents/Designs :—

Insert full address.

(a) _____

_____

(b) _____

_____

Dated this——day of——19 .

(Signed)——

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 25.] [FEE (SEE FOOT NOTE).

MYSORE PATENTS AND DESIGNS ACT.

Application for entry of name of proprietor or part-proprietor in Register of Patents/Designs.

SECTION 60.

I (or we) _____ Insert (in full) name and address.

hereby apply that you will enter my (or our) name (or names) in the Register of Patents/Designs as Proprietor or Part-Proprietor of Patent No——of——granted to—— Give name and address of person(s) to whom patent was granted.

of which the title is—— Insert title of invention.

(of the registered design No——Class——).

I (or we) claim to be so entitled by virtue of—— Specify the particulars of such documents giving its date and the parties to the same and showing how the claim here made is substantiated.

and in proof whereof I (or we) transmit the accompanying—— Insert the nature of the document.
——with an attested copy thereof.

My or our address for service in the Mysore State is——

Dated this——day of——19 State in what capacity the signatory is acting.

(Signed) ——

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE:— FEE—

(a) If document is presented for registration in the Patent Office within six months from date of acquisition of proprietorship or the coming into force of the Mysore Patents and Designs Rules, 1939—
In respect of one patent or design ... Rs. 5
For each additional patent or design .. Rs. 2

(b) If document is presented for registration in the Patent Office after the above period.—
In respect of one patent or design ... Rs. 20
For each additional patent or design ... Rs. 2

90

[Form No. 26.] [Fee (See Foot Note .

MYSORE PATENTS AND DESIGNS ACT.

Application for entry of notice of a mortgage or license in the Register of Patents/Designs.

SECTION 60.

Insert (in full) name, address and nationality.

I (or we)———

hereby apply that you will enter in the Register of Patents/Designs, a notice of the following interest in a Patent/Design.

Insert the nature of the claim whether by way of mortgage or license. Give name and address of person to whom the patent was granted. Insert title of invention.

I (or we) claim to be entitled———

to an interest in Patent No.———of———granted to———

of which the title is———

Specify the particulars of such document giving the date and the parties to the same and showing how the claim here made is substantiated. Insert the nature of the document.

(in the Registered Design No.———Class———)

by virtue of———

and in proof whereof I (or we) transmit the accompanying———

———with an attested copy thereof.

My (or our) address for service in the Mysore State is———

State in what capacity the signatory is acting.

Dated this———day of———19 .

(Signed)———

To

The Controller of Patents and Designs in Mysore,

Bangalore.

NOTE.—FEE—

(a) If document is presented for registration in the Patent Office within six months from date of acquisition of interest or the coming into force of the Mysore Patents and Designs Rules, 1939.—

In respect of one patent or design ... Rs. 5.
For each additional patent or design ... ,, 2.

(b) If document is presented for registration in the Patent Office after the above period.—

In respect of one patent or design ... Rs. 20.
For each additional patent or design ... ,, 2.

91

Form No. 27.] [Fee (See Foot Note).

MYSORE PATENTS AND DESIGNS ACT.

Application for entry of Notification of Document in Register of Patents/Designs.

SECTION 20 OR 60 AND RULE 58.

I (or we) transmit herewith an attested copy of———— Insert a description of the nature of the document giving its date and the name, addresses and nationality of the parties thereto.

Under the Patents/Designs No.———of———as well as the original document for verification and I (or we) apply that a notification thereof may be entered in the Register.

Dated this———day of———19

(Signed)———

Insert full address of party benefitting under the document.

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE :—FEE—

(a) If document is presented for registration in the Patent Office within six months from the date of document or the grant of the patent or the registration of the design or the coming into force of the Mysore Patents and Designs Rules, 1939 :—

In respect of one patent or design ... Rs. 5.
For each additional patent or design ... ,, 2.

(b) If document is presented for registration in the Patent Office after the above period :—

In respect of one patent or design ... Rs. 20.
For each additional patent or design ... ,, 2.

Form 28.] [Fee Rs. 5.

MYSORE PATENTS AND DESIGNS ACT.

Request for correction of clerical error.

SECTION 59.

I (or we)——— Insert (in full) name, address and nationality.

hereby request that the following clerical error(s)———

in the——— Specify the documents in which the error occurs.

No.———of———may be corrected in the manner shown in red ink in the official copy of the original———

hereunto annexed.

Dated this———day of———19

(Signed)———

To

The Controller of Patents and Designs in Mysore,
Bangalore.

Form No. 29.] [Fee Rs. 5.

MYSORE PATENTS AND DESIGNS ACT.

Request for Certificate.

SECTION 56 AND RULE 63.

Insert number and date of patent or number and class of design.

In the matter of { Patent No.——— of ———
Design No.——— Class———

———

———

———

Insert name, address and nationality.

I (or we)——— hereby request you to furnish me (or us) with your certificate to the effect that———

———

Set out the particulars which the Controller is requested to certify.

and to send the certificate to———

———

The purpose for which the certificate is required is as follows:

———

———

———

———

Dated this———day of———19 .

(Signed)———

To

The Controller of Patents and Designs in Mysore,
Bangalore.

———

NOTE.—An extra charge of anna one will be charged for every 100 words or part thereof for preparing copies of, or extracts from patents, specifications entries in the register and other public documents in the office. Drawings will be charged according to the agreement. The certificate will not be prepared until the charge is paid.

93

Form No. 30.] [Fee Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Rectification of Register.

SECTION 61.

I (or we)_____ Insert name address and nationality.

hereby request that the Register of Patents/Designs may be rectified in the following manner in respect of Patent/Design No._____ dated the_____ Insert number and date of Patent or of Design.

My (or our) reasons for making this application are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in Mysore State is—

Dated this_____day of_____19 .

(Signed)_____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

Form No. 31*.] [To be stamped under the Stamp Act.

MYSORE PATENTS AND DESIGNS ACT.

Power of Authority to Agents, Section 72.

State particulars.

In connection with ——————————————————

——————————————————

——————————————————

Insert name and address of agent.

I (or we) the undersigned hereby authorise ——————————

of

——————————————————

——————————————————

to act as my (or our) Agent and to receive all notices, requisitions and communications until further notice. And I (or we) revoke the previous authority given by me (or us) to ——————————

Strike out if not required. Insert name of agent whose authority is cancelled.

——————————————————

——————————————————

——————————————————

in this matter.

Dated this ——————— day of ——————— 19 .

(Signed) ——————————————————

Address ——————————————————

To

The Controller of Patents and Designs in Mysore,

——————— Bangalore.

*The power of authority in Form 31 is liable to Stamp duty under the Mysore Stamp Act, VII of 1922. When power is given to one or more persons or Agents to act in a single transaction it will be sufficient if the form bears a special adhesive label of the value of one rupee eight annas only. When power is given to not more than five persons to act jointly or severally in more than one transaction or generally in respect of several patents or designs applications a special adhesive label of seven rupees eight annas value should be affixed.

95

THE THIRD SCHEDULE.

Model Form of Patent.

GOVERNMENT OF MYSORE.

THE PATENT OFFICE.

No.....of 19 .

Whereas———————————————

THE FOURTH SCHEDULE.

Classification of Goods.

CLASS 1.

Articles composed wholly of metal or in which metal predominates, and jewellery.

CLASS 2.

Books and bookbinding of all materials.

CLASS 3.

Articles composed wholly of India rubber, wood, bone, ivory, papier-mache, or other solid substances not included in other classes or of materials in which such substances predominate.

CLASS 4.

Articles composed wholly of glass, earthenware, or procelain clay (burnt or baked) or cement or in which such materials predo minate.

CLASS 5.

Articles composed wholly of paper, card-board, mill-board or straw-board (except articles included in clause 2, and paper hangings) or in which such materials predominate.

CLASS 6.

Articles composed wholly of leather or in which leather predominates, not included in other classes.

CLASS 7.

Paper hangings.

CLASS 8.

Carpets, rugs and floor coverings in all materials.

CLASS 9.

Lace.

CLASS 10.

Boots and shoes.

CLASS 11.

Millinery and wearing apparel (except boots and shoe s).

CLASS 12.

Goods not included in other classes.

CLASS 13.

Printed or woven designs on textile goods (other than checks or stripes).

CLASS 14.

Printed or woven designs on textile goods being checks or stripes.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. T. 2070—*R. T.* 20-39-42, *dated Bangalore, the* 19*th January* 1940.

In exercise of the powers conferred on them by Section 22 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to exempt the marginally noted motor vehicle conveying Mr. K. G. Mitchell, C.I.E., Consulting Engineer to the Government of India (Roads), from payment of tolls under the said Act, from 21st January 1940 to 23rd January 1940 (both days inclusive).

Ford V 8. Mys. 8903.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 5

BANGALORE, THURSDAY, FEBRUARY 1, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 2144—*R. T.* 38-39-10, *dated Bangalore, the 27th January* 1940.

In exercise of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that two check gates be opened at Kenchenahalli and Sarathi in the Harihar Sub-Taluk, Chitaldrug District, temporarily, for a period of three months and that these check gates and the Karlahalli toll-gate be treated as one toll-gate, the payment of toll at one toll-gate exempting vehicles, etc., from payment of the same at the other.

No. P. 5018—*Legis.* 19-39-12, *dated Bangalore, the* 26*th January* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following order, namely :—

1. *Short Title.*—This order may be called the Enemy Property (Custody and Registration) Order, 1939.

2. *Definitions.*—In this order unless there is something repugnant in the subject or context—

(i) "Custodian" means the Custodian of Enemy Property for Mysore appointed under rule 114 of the Defence of India Rules as applied to Mysore and includes any Deputy or Assistant Custodian of enemy property authorised by the said custodian in respect of all or any of the provisions of this order;

(ii) the expressions "enemy subject," "enemy firm," "enemy property" and "securities" shall have the meanings, respectively assigned to them by rule 103 of the Defence of India Rules as applied to Mysore;

(iii) "enemy" means an enemy subject or enemy firm;

(iv) "form" means a form appended to this order;

(v) "person" includes any company or association or body of individuals whether incorporated or not.

3. *Payment to Custodian of money otherwise payable to an enemy.*—Any sum payable by way of dividend, interest, share of profits or otherwise, to or for the benefit of an enemy, shall be paid by the person by whom such sum would have been payable if a state of war had not existed, to the Custodian or such person as may be authorised by him in this behalf, and shall be held by such Custodian or other person subject to the provisions of this order.

4. (1) *Powers of custodian in respect of enemy property vesting in him.*—Whenever by order made under sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the property of an enemy is vested in the Custodian, the Custodian may take such measures as he considers necessary or expedient for preserving the property.

(2) Without prejudice to the generality of the foregoing provision, the Custodian may for the said purpose,—

(i) carry on the business of the enemy,

(ii) take action for recovering any money due to the enemy,

(iii) make any contracts, and execute any documents in the name and on behalf of the enemy,

(iv) incur any expenditure, including the payment of any taxes, duties, cesses and rates to Government or to any local authority, and of any wages, salaries, pensions or provident fund contributions to, or in respect of, any employee of the enemy, and the repayment of any debts due by the enemy to persons other than enemies, and

(v) transfer by way of sale, mortgage or lease, or otherwise dispose of, any of the property.

5. *Exemption from attachment, etc.*—All enemy property vesting in the Custodian shall be exempt from attachment, seizure or sale in execution of a civil court decree.

6. (1) *Transfer of Securities belonging to an enemy.*—Where in exercise of the powers conferred by paragraph 4 of this order, the Custodian proposes to sell any securities issued by a company and belonging to an enemy, the company may, with the consent of the Custodian purchase the securities, notwithstanding anything to the contrary in any law or in any regulations of the company, and any securities so purchased may be re-issued by the company as and when it thinks fit so to do.

(2) Where the Custodian executes a transfer of any securities issued by a company, the company shall, on receipt of the transfer and an order in this behalf from the Custodian, register the securities in the name of the transferee, notwithstanding that the regulations of the company do not permit such registration in the absence of the certificate, script or other evidence of title relating to the securities transferred:

Provided that any such registration shall be without prejudice to any lien or charge in favour of the company and to any other lien or charge of which the Custodian gives express notice to the company.

7. *Power of Custodian to summon persons and call for documents.*—(1) A Custodian may, by notice in writing, require any person whom he believes to be capable of giving information concerning any enemy property to attend before him at such time and place as may be specified in the notice, and examine any such person concerning the same, reduce his statement to writing and require him to sign it.

(2) A Custodian may, by notice in writing, require any person whom he believes to have in his possession or control any account book, letter book, invoice receipt or other document of whatever nature relating to any enemy property, to produce the same, or cause the same to be produced, before the Custodian at such time and place as may be specified in the notice, and to submit the same to his examination and to allow copies of any entry therein or any part thereof to be taken by him.

8. *Returns relating to enemy property.*—(1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such balances or deposits in Form A.

(2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore shall, within two months from the date of this order, communicate to the Custodian in Form B full particulars of all securities of the company which belong to an enemy.

(3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months from the date of this order, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months from the date of this order, or if such money becomes payable after the expiry of that period, within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form D.

(5) Every person other than bank residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such debts in Form E.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any enemy property not covered by the preceding sub-paragraphs shall, within two months from the date of this order, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

In the case of property of enemy subjects, other than internees, residing in India the above particulars may be confined to bank balances and deposits, dividends and similar payments, securities and immovable property belonging to the aforesaid class of enemy subjects.

(7) Where a return of enemy property has been made to the Custodian in Form F or Form G, particulars of any income derived from such property during each quarter after the expiry of two months from the date of this order shall be communicated to the Custodian in Form H within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

9. *Responsibility for making returns on behalf of companies and firms—Registers of returns.*—Every director, managing agent, manager and secretary of a company and every partner of a firm, shall be responsible for communicating to the Custodian the particulars prescribed in paragraph 8.

10. (1) All returns relating to enemy property submitted to the Custodian in pursuance of paragraph 8

shall be recorded in such registers as may be prescribed by the Custodian.

(2) All such registers shall be open to inspection, subject to the payment of a fee of rupee one per page or part of a page of any register inspected and to such reasonable restrictions as the Custodian may impose, by any person who, in the opinion of the Custodian, is interested in any particular enemy property as a creditor or otherwise, and any such person may also obtain a copy of the relevant portion from the registers on payment of a ee of rupee one per page or part of a page.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government,

Law Department.

APPENDIX.

FORM A.

To

The Custodian of Enemy Property,

.....

Ref. No. A.....

From.....

(Address).....

(Date).....

Return showing particulars of balances or deposits standing to the credit of an enemy.

N.B.—Where not known, the contents of sealed boxes, packages, etc., deposited need not be ascertained.

Name of enemy	Address	Balances	Cash deposits	Description and estimated value (if known) of dedosits other than cash deposits
				£ s. d. Rs. a. p.
			Total £ Rs.	

FORM B.

To

The Custodian of Enemy Property,

.....

Ref. No. B.....

From .....

(Address).....

(Date).....

Return showing particulars of all securities of a company belonging to an enemy.

Name of enemy	Address	Description of securities	Value
			£ s. d. Rs. a. p.

IV-B

FORM C.

To

The Custodian of Enemy Property,

.....

Ref. No. C.....

From.....

(Address).....

(Date).....

Return showing particulars as to any share of profits and interest due to an enemy.

Name of enemy	Address	Where a company makes the return		Where a partner makes the return		
		Description of shares, stock, debentures or debentures stock held by an enemy	Nominal value of each holding	Enemy capital	Interest or share or profits due to an enemy	Period covered by interest or share of profits
			£ s. d. Rs. a. p.	£ s. d. Rs. a. p.	£ s. d. Rs. a. p.	

FORM D.

To

The Custodian of Enemy Property,

Ref. No, D..... .....

From.....

(Address).....

(Date).....

.....

Return showing particulars of any money which would have been payable or paid to or for the benefit of enemy by way of dividend, interest or share of profits.

Name of enemy	Address	Description	Value
			£ s. p. Rs. a. p.

FORM E.

To

The Custodian of Enemy Property,

.....

Ref. No. E.....

From.....,

(Address).....

(Date).....

Return showing particulars of Debts due to an enemy.

Name of enemy	Address	Description of property (each item to be stated separately)	
		Nature of debt	Amount
			£ s. d. Rs. a. p.

FORM F.

To

The Custodian of Enemy Property,

.....

Ref. No. F.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....

Return showing particulars of enemy property in possession not already recorded with the Custodian.

N.B.—This form should be used in respect of enemy property held in safe custody.

Full name of person for whom held (surname first)	Full address of person, for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received therefrom	Full description of any movable property held in respect of which income has been received	Amount of income received therefrom
			£. s. d. Rs. a. p.	Total— £ Rs.	£. s. d. Rs. a. p.

FORM G.

To

The Custodian of Enemy Property,

Ref. No. G..... .....

From..... .....

(Address)..... .....

.....

.....

.....

N.B.- This form should be used in respect of property held otherwise than in safe custody.

Full name of person for whom held (surname first)	Full address of person for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received therefrom	Full description of any movable property held in respect of which income has been received	Amount of income received therefrom
			£ s. d. Rs. a. p. Total- £ / Rs.		£ s. d. Rs. a. p.

FORM H.

QUARTERLY RETURN OF INCOME.

To

The Custodian of Enemy Property,

.....

Ref. No. H.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....
(Date).....

Return showing particulars of income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.

N.B.—(1) If no income has been received since date of previous return, the fact should be recorded and the orde returned to the Custodian.

(2) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

Full name of person for whom held (surname first)	Full address of person for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received since date of last return	Full description of any movable property held in respect of which income has been received	Amount of income received since date of last return
			£ s. d. Rs. a. p.		£ s. d. Rs. a. p.
				Total £ Rs.	

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 6

BANGALORE, THURSDAY, FEBRUARY 8, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. P. 5265—*Legis.* 37-39-1, *dated Bangalore, the 3rd February* 1940.

In exercise of the powers conferred by section 24 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules for carrying out the purposes of the said Act.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

THE MYSORE MONEYLENDERS RULES, 1940.

I. Preliminary.

1. (1) These rules may be called the Mysore Moneylenders Rules, 1940.

(2) They shall come into force on and from the 1st day of April 1940.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Mysore Moneylenders Act, 1939;

(*b*) "the Schedule" means the Schedule annexed to these rules;

(*c*) "authorised agent" means an agent acting under a power of attorney; and

terms defined in the Act shall convey the same meaning when used in these rules.

II. Registration.

3. The Register of Moneylenders prescribed by section 4 of the Act shall be maintained in Form I of the Schedule. The name and particulars of each moneylender shall be entered therein in the order of registration on separate pages. He shall be assigned a number in a consecutive series commencing and ending with the calendar year, the same number being given to his Registration Certificate also.

4. (*a*) An index to the Register of Moneylenders shall be prepared in English in duplicate on loose sheets lettered alphabetically and shall contain the particulars shown in Form II of the Schedule.

A fresh index shall be prepared for each calendar year. The name of each moneylender shall be indexed as soon as the entries relating thereto are made in the Register of Moneylenders.

(*b*) The duplicate copy of the index shall be sent to the District Magistrate of the District within which the Registrar exercises jurisdiction as soon as an entry is made therein.

(*c*) After the names of all the moneylenders registered in a year have been indexed, the index shall be

114.

checked by the Registrar who shall add a certificate in token of such check and the pages shall then be numbered in ink.

(*d*) The index for each year shall, after it has been checked, be bound into volumes of convenient size.

(*e*) The District Magistrate shall, at the end of each calendar year, make from the duplicates of the several indexes received by him, a list of all moneylenders registered in his district in alphabetical order and send a copy of the list to Government not later than the end of January of the next succeeding year.

5. Every application, for registration under section 5 of the Act shall be made in Form III of the Schedule, to the Registrar appointed for the area in which the principal place of business of the moneylender is situated or in which he intends to carry on the business of moneylending.

A moneylender who is carrying on the business of moneylending on the date on which these rules came into force may apply for registration at any time within fifteen days of such date.

6. Every such application for registration shall be made on Mysore Stamp Paper of the value of rupees three and shall be signed and verified in the manner provided in the Code of Civil Procedure, 1911, for the signature and verification of pleadings.

7. Every such application shall be accompanied by an affidavit stating whether any Court has made any order in relation to the applicant under section 19 or section 20 of the Act.

8. Every application for registration shall be presented by the applicant in person or by his authorised agent, provided that in the case of a firm any one of the partners may present it.

The application shall be presented at any time during working hours on any working day.

9. If the Registrar, after such enquiry as he deems fit about the place of business of the moneylender, considers that he is not the proper authority to receive the application, he shall return the same for presentation to the proper authority.

10. On the receipt of an application, the Registrar shall endorse on it the date of its presentation and shall duly punch and cancel the stamp and put his initials and the date across it. If he finds after making such enquiries as he deems fit, that the registration of the moneylender

will not offend against any order made under section 19 or section 20 of the Act, he shall enter the name of the moneylender in the Register prescribed by rule 3 of the rules.

11. On registration of the applicant's name under the preceding rule, the Registrar shall issue a Certificate in Form IV of the Schedule to the moneylender or his authorised agent.

12. The procedure set out above for registration of a moneylender shall be followed in the case of an application for renewal of registration also:

Provided that rule 7 shall be deemed to be satisfied if the affidavit contains information in regard to the period that has elapsed since the making of the last application;

Provided further that the Registration Certificate already issued to him shall be surrendered and accompany the application for renewal.

13. When a moneylender whose name is registered under the provisions of section 4 of the Act ceases to carry on the business of moneylending, he may apply to the Registrar who issued the Registration Certificate to cancel his registration and shall surrender the Certificate.

14. On receipt of such application, the Registrar shall cancel the Certificate by endorsing on it in red ink the words "CANCELLED" under his signature and with the date of so doing and shall lodge the cancelled Certificate in the records. The Registrar shall next make an entry in the Register of Moneylenders indicating the fact of cancellation and the date thereof.

III. Licensing.

15. No application for the grant of a licence shall be made unless the applicant has been registered as a moneylender under section 5 of the Act.

16. Applications for the issue of a licence shall be made in Form V of the Schedule to the Registrar who issued the Registration Certificate.

17. The provisions of rule 6 regarding signature and verification shall apply to applications for the grant of a licence also.

18. The fee for the grant of a licence shall be rupees five only and shall be paid into the State Huzur Treasury or any District or Taluk Treasury, the receipt

therefor being sent with the application, or by the purchase of Mysore Court Fee Stamps of the value of rupees five which shall be affixed to the application.

19. Every such application shall be accompanied by an affidavit stating whether any Court has made any order in relation to the applicant under section 19 or section 20 of the Act.

20. After verifying whether the applicant has a subsisting Registration Certificate and after making such enquiries as he deens fit, if the Registrar is satisfied that there are no grounds for refusing the grant of a licence, he shall issue a licence in Form VI of the Schedule and shall also immediately make an entry in the Register against the name of the moneylender showing the grant of the licence and the date of issue of the same.

21. Every licence shall be current for one year from the date of its issue and shall be valid only within the Revenue District within which the principal place of business of the moneylender is situate or within which he intends to carry on the business of moneylending.

22. The Registrar may, however, after making such enquiries as he may deem fit of other Registrars in other districts, extend the validity of the licence to any other district or districts, if the applicant so desires, on payment of a licence fee of rupees two a year for every such district to which he wants the licence to be extended, subject to a maximum of rupees fifteen a year (including the initial fee of rupees five) for the whole State, the payment being made in the manner prescribed by rule 18:

Provided that in no case shall a licence be extended beyond one year from the date of its original issue.

In every case of such extension the Registrar shall send to the Deputy Commissioner or Deputy Commissioners of the other district or districts, as the case may be, intimation in writing of such extension giving particulars about the name of the moneylender, the number of his Registration Certificate and licence and the dates of their issue.

23. The procedure set out above for the issue of a licence shall be followed in the case of an application for renewal:

Provided that rule 19 shall be deemed to be satisfied if the affidavit contains information in regard to the period that has elapsed since the making of the last application.

24. Each licence shall be given a number corresponding to the number of the Registration Certificate on which the Licence is issued, and the date of expiry of the Licence and the district or districts in which it is valid shall be entered boldly on the face of the licence in the places assigned to them.

25. When a Court cancels the registration or licence of the moneylender under section 19 or section 20 of the Act but not permanently, it shall be competent to the moneylender to make a fresh application for registration or for the issue of a Licence, as the case may be, in conformity with the rules set out above in that behalf, after the expiry of the period for which the registration or Licence would have been valid if it had not been cancelled:

Provided that the moneylender produces with his application a certified copy of the order of the Court cancelling his registration or licence.

IV. Regulation of Accounts.

26. Every moneylender shall keep his accounts in Form VII of the Schedule, in bound books, the pages being stitched and bound together and not being detachable. The pages should also be consecutively numbered.

27. Every moneylender shall keep a separate account in respect of each loan.

28. The name and address of the debtor and in the case of joint-debtors, of each joint-debtor shall be entered at the head of the account.

29. Each entry in an account shall be dated with the date of the transaction to which it relates and shall, as far as possible, be made on such date, but never later than the next working day.

30. The account shall show the balance of account of the principal and interest outstanding against the debtor on the 31st day of December of every year and shall also show the balance outstanding on the date of any statement of account prepared in accordance with sub-section (1) of section 11 of the Act.

31. Accounts may be kept by a moneylender in the language usually employed by him in keeping his accounts, the script and numerals being the same as those ordinarily used with the particular language employed:

Provided that where the language employed is other than English or Kannada, the receipt to be given to the

118

debtor as well as the statement of account to be furnished to him under section 10 or section 11, as the case may be, of the Act shall be only in English or Kannada ;

Provided further that where an English or Kannada translation of the original statement of account is furnished to the debtor or where a receipt is given to him, the moneylender shall affix at the end of such translation a certificate to the effect that it is a true translation of the original. If a third person is responsible for the translation, the certificate should be signed by him also.

32. Where there are two or more joint-debtors, the creditor shall, in the absence of an agreement to the contrary, give the receipt to the joint-debtor named first at the head of the account or to his agent.

33. The statement of account to be furnished to a debtor under sub-section (1) of section 11 of the Act shall be in Form VIII of the Schedule.

34. The fee which may be charged by a creditor for a statement of account shall be annas four. The fee shall be charged separately in respect of each loan and each requisition.

The fee shall be entered in the account and shall be recoverable by the creditor as if it were included in the loan but no interest shall be charged thereon.

35. The statement of account shall be sent to the debtor by registered post, acknowledgment due, to the address given in the requisition made by the debtor.

In the case of joint-debtors, the statement of account shall, in the absence of an agreement to the contrary, be sent in the manner laid down above to the joint-debtor named first at the head of the account.

36. Notwithstanding anything contained in rule 35, if the debtor or in the case of joint-debtors the joint-debtor named first at the head of the account, agrees in writing to the statement being delivered personally, it shall not be necessary to send it by registered post.

37. Where a debtor or joint-debtor takes personal delivery of the statement of account, he shall acknowledge the receipt of the same in writing.

The debtor or the joint-debtor, as the case may be, shall sign the acknowledgment, or if he is illiterate affix his thumb impression thereto.

38. The postal, registration and acknowledgment charges incurred under rule 35 shall be entered in the account and shall be recoverable by the creditor as if such

charges were included in the loan, but no interest shall be charged thereon.

39. If the statement of account is sent by registered post, the production of the postal receipt and acknowledgment shall be sufficient proof of the sending of such statement.

40. The sum which may be charged by a pawn-broker for a copy of the entries in his account delivered by him to the pawner under sub-section (2) of section 12 of the Act shall be one anna.

V. Application to Government and Fee therefor.

41. An application to the Government by a money-lender under section 21 of the Act to remove a disqualification imposed on him by a Court under section 19 or section 20 of the Act shall be in Form IX of the Schedule.

42. A fee of rupees two shall be paid on every such application by affixing Court Fee Stamps of that value to the application.

43. A copy of the order of the Court imposing the disqualification shall invariably accompany the application.

VI. Penalties.

44. Any breach of any of these rules or of any condition imposed under any of the Forms of the Schedule shall be punishable as if under section 20 of the Act.

FORM I. 120

(See Rule 3.)

REGISTER OF MONEYLENDERS.

(MAINTAINED UNDER SECTION 4 OF THE MYSORE MONEYLENDERS ACT, 1939.)

1. Serial number of moneylender.
* 2. Name of moneylender.
3. Date of registration.
4. Address of moneylender.
5. Principal place of business of the moneylender.
6. Other places of business of the moneylender, if any.
† 7. Order of Court, if any, under section 19 or section 20 of the Act.
† 8. (*a*) Whether Licence is issued to the moneylender.
(*b*) If so, date of issue of—
(i) First Licence.
(ii) Renewal.
(iii) Renewal.
9. Remarks.

Signature.

---

* If the application is made on behalf of a Company, the name and address of the Company and the name of its Manager to Agent should be given against item (2) above.

† When these entries are made after the moneylender has been registered, they should be initialled by the officer making them.

FORM No. II.

(See Rule 4.)

INDEX TO THE REGISTER OF MONEYLENDERS.

(TO BE IN DUPLICATE)

Page No.

Name of Moneylender	Principal place of business	Other places of business, if any	Volume No.	First page of entry	Number borne on Register	Date of Registration	Remarks

Signature.

122

FORM III.

(See Rule 5.)

APPLICATION FOR REGISTRATION AS A MONEYLENDER.

To

The Registrar of Money lenders at.....

$\frac{\text{We}}{\text{I}}$ desire to be registered as a moneylender under Section 5 o the Mysore Moneylenders Act, 1939.

*1. Applicant's name.
2. Address.
3. Principal place where he intends to carry on business.
4. Other places of business, if any.
5. Whether affidavit under Rule 7 has been attached.
6. Remarks.

Place..... Signature.

Date.....

Verification.

Place.....

Date..... Signature.

*If the application is made on behalf of a Company, the name and address of the Company and the name of its Manager or Agent should be given against item (1) above.

123

FORM IV.

(See Rule 11.)

CERTIFICATE OF REGISTRATION UNDER THE MYSORE MONEYLENDERS ACT, 1939.

Certificate No. ....of....(place of issue)... ..dated .....

I.... (name) ..Registrar of Moneylenders at ...(place of issue)....do hereby certify that ...(name of moneylender).....has been duly registered as a moneylender under section 5 of the Mysore Moneylenders Act, 1939, and is authorised to carry on business as a Moneylender at.....(principal place of business)..... and at..... (other places of business, if any) .....subject to the provisions of the said Act and the Rules framed thereunder and also to the following conditions :—

1. This certificate should be exhibited at a conspicuous place within the principal place of business of the moneylender.
2. A correct account should be kept of the daily transactions of the principal place of business and of the other places of business, if any, and the books of account should be open for inspection by an Inspecting Officer at any time.
3. This certificate should not be transferred or sold. Nor should it be amended.
4. All corrections in this certificate should be made and attested by the authority who issued the certificate.
5. Breach of any of these conditions or of any of the provisions of the Mysore Moneylenders Act, 1939, or of any of the rules issued thereunder will entail the penalties that may be imposed under that Act or the Rules thereunder.

Signed.

Registrar.

Date..... .... (Place).. ....

FORM V.

(See Rule 16.) 124

APPLICATION FOR LICENCE UNDER THE MYSORE MONEYLENDERS ACT, 1939.

To

The Registrar of Moneylenders at.....

$\frac{\text{We}}{\text{I}}$ desire to be licenced to carry on the business of moneylender under Section 7 of the Mysore Moneylenders Act, 1939.

*1. Applicant's name.
2. Whether applicant has a subsisting Registration Certificate.
3. Number of the Registration Certificate, place of issue and date.
4. Address.
5. Principal place of business.
6. Other places of business, if any.
7. Whether affidavit under Rule 19 has been attached.
8. Remarks.

Place..... Signature.

Date.....

Verification.

Place..... Signature.

Date.....

*If the application is made on behalf of a Company, the name and address of the Company and the name of its Manager or Agent should be given against item (1) above.

FORM VI.

(See Rule 20.)

125

LICENCE UNDER THE MYSORE MONEYLENDERS ACT, 1939.

Licence No. of.....(place of issue).....dated.....

Date of issue. Date of expiry.

District of Validity.

District or districts to which extended.

I.....(name)...Registrar of Moneylenders at...(place of issue)..... do hereby certify that.....(name of moneylender).....having been duly registered as a moneylender under Section 5 of the Mysore Moneylenders Act, 1939, is hereby licenced to carry on the business of moneylending within the District of.....(name of District).....at..... (principal place of business).....and.....(other Districts, if any and other places of business, if any).....subject to the provisions of the Act and the rules made thereunder and also to the following conditions :—

1. This Licence should be exhibited at a conspicuous place within the principal place of business of the moneylender.
2. A correct account should be kept of the daily transactions of the principal place of business and of the other places of business, if any, and the books of account shall be open for inspection by an Inspecting officer at any time.
3. This licence should not be transferred or sold. Nor should it be amended.
4. All corrections in this licence should be made and attested by the authority who issued the licence.
5. This licence should be produced before any court which requires its production.
6. Breach of any of these conditions or of any of the provisions of the Mysore Moneylenders Act, 1939 or of any of the rules issued thereunder will entail the penalties that may be imposed under that Act or of the Rules thereunder.

Signed.

Registrar.

Date..... ...(Place)...

Space for endorsement by Court under section 19(2) of the Act.

Signature of Presiding Officer

Seal of the Court

Designation.

Date.....

FORM VII.

(See Rule 26.)

FORM OF ACCOUNTS OF A MONEYLENDER.

(TO BE MAINTAINED UNDER SECTION 9 OF THE MYSORE MONEYLENDERS ACT, 1939.)

ACCOUNT OF.....(Name of debtor).....son of.....Caste.....Residence.....

Name and address of owner of article pawned..... (In the case of pawnbrokers and where the pawner is not the owner of the article pawned).

Full and detailed description of article or each of the articles pawned..... (Only in the case of pawnbrokers).

Opening Balance..... (As on the date of the 31st December of the last preceding year or on the date of the las statement of account if any, whichever is the later).

Principal.....

Interest.....

Dr. Cr.

Date		Particulars of advance in figures	Rate of interest	Amount of interest charged	Date	Particulars of repayment in figures	Appropriation	
Of transaction	Of entry						Principal	Interest

Principal..... Interest..... * Balance outstanding on the 31st December.....

Add opening balance as above. ....

Total

Signature of Creditor.

* Where a statement of account is furnished to the debtor under Section 11 (1) of the Act, the account should be closed and the balance struck as on that date.

126

FORM VIII.

(See Rule 33.) 127

STATEMENT OF ACCOUNT TO BE FURNISHED TO A DEBTOR.

(UNDER SECTION 11 (1) OF THE MYSORE MONEYLENDERS ACT, 1939.)

Account of .....(name of debtor) .....

Son of.....Caste.....

Residence .....

Opening Balance..... (as on the date of the last statement of account, if any, or on the 31st December of the last preceding year.)

Principal.

Interest.

Dr. *Cr.*

Date	Particulars of advance	Rate of Interest	Amount of interest charged	Date	Particulars of repayment	Appropriation	
						Principal	Interest

Signature.

Where the accounts are kept in a language other than English or Kannada, this statement of account should be a true translation of it and a certificate to that effect should be affixed to it signed by the moneylender and if made by a third person, by him also. (See Rule 31.)

FORM IX.

(See Rule 41.) 138.

APPLICATION TO GOVERNMENT FOR REMOVAL OF DISQUALIFICATION.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Petition No. ..... of.....under the Mysore Moneylenders Act, 1939.

Petitioner (name and address).....
.....

Under Section 21 of the Mysore Moneylenders Act, 1939, the petitioner abovenamed begs to state as follows :—

(Here set out the facts.)

(Next set out the grounds on which the removal of disqualification is claimed.)

Wherefore the petitioner prays that the disqualification imposed on him by.....(name of Court)..... may be removed.....(or any other prayer that the petitioner desires to make).....

Place..... Petitioner.....

Date.....

Verification.

Place..... Petitioner.....

Date.....

A Court Fee Stamp of the value of rupee two should be affixed to the petition.

NOTIFICATIONS.

No. P. 5266—Legis. 37-39-2, dated Bangalore, the 3rd February 1940.

In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to apply all the provisions of the said Act, excepting the provisions of Section 7 and Section 8, to the whole of Mysore.

They are further pleased to direct that these provisions shall come into force on and from the 1st day of April 1940.

No. P. 5267—Legis. 37-39-3, dated Bangalore, the 3rd February 1940.

In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to exempt the Bank of Mysore, Ltd., Bangalore, the Imperial Bank of India, Ltd., and all their Branches and all Co-operative Societies registered under the Mysore Co-operative Societies Act, 1918, from the operation of this Act.

No. P. 5268—Legis. 37-39-4, dated Bangalore, the 3rd February 1940.

In exercise of the powers conferred by Section 3 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to appoint all Sub-Registrars appointed under the Mysore Registration Act, 1903, to be Registrars of Moneylenders within their respective jurisdictions.

No. P. 5269—*Legis.* 37-39-5, *dated Bangalore, the* 3*rd February* 1940.

In exercise of the powers conferred by sub-section (1) of Section 13 of the Mysore Moneylenders Act, 1939 the Government of His Highness the Maharaja are pleased to authorise all Assistant Commissioners in charge of Revenue Sub-divisions to inspect the accounts of money-lenders within their respective jurisdictions.

No. T. 2263—*R. T.* 3-39-15, *dated Bangalore, the* 6*th February* 1940.

In exercise of the powers conferred on them by Section II of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 21 of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, the draft in the said behalf having been already published with Notification No. T. 1865—R. T. 3-39-9, dated 26th December 1939 at page 2, Part IV of the *Mysore Gazette*, dated 4th January 1940.—

Amendment.

Substitute the following for Rule 21 (*a*) and (*b*) of the aforesaid rules :—

"21. (*a*) No driver or other person in charge of a public service motor vehicle shall permit any passenger to ride on the roof or the running board or on any side portion of the said vehicle; nor shall allow any thing to be placed or carried upon the outside of the roof of a double decked public service vehicle.

(*b*) No person shall drive, and no person shall cause or allow to be driven, in any public place any public service motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or any thing extends—

(i) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body ;

(ii) to the front beyond the foremost part of the vehicle;

(iii) to the rear to a distance exceeding four feet beyond the rearmost part of the vehicle excluding any luggage carrier; and

(iv) in height by a distance which exceeds eleven feet from the surface upon which the motor vehicle rests.

(*c*) Clause (iii) of sub-rule (*b*) shall not apply to a motor lorry when loaded with any pole or other projecting thing so long as—

(i) the projecting load falls within the limits of the body or a trailer being drawn by the motor vehicle; or

(ii) the distance by which the pole or other thing projects beyond the rearmost point of the motor vehicle does not exceed six feet; and

(iii) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than fifteen inches in diameter; and at night a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear.

(*d*) The District Magistrate may by order in writing exempt any motor vehicle, for such a purpose, for such period and subject to such conditions as he may specify from any or all of the provisions of this rule.

No. P. 5338—*Legis.* 29-39-4, *dated Bangalore, the 6th February* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Control of Internees' Property Order, 1939, namely :—

In the said Order—

(1) for clause (ii) of paragraph 2, the following clause shall be substituted, namely :—

"(ii) "Custodian" means the Custodian of Enemy Property for Mysore appointed under rule 114 of the Defence of India Rules, as

applied to Mysore, and includes any Deputy or Assistant Custodian of Enemy Property authorised by the said Custodian in respect of all or any of the provisions of this Order."

(2) after paragraph 5, the following paragraph shall be inserted, namely :—

"5-A. No Bank in Mysore shall allow withdrawals from an account, including a joint account, belonging to an internee except in accordance with the provisions of paragraph 6 of this Order or with such general or special instructions not inconsistent with that paragraph as the Custodian may issue."

No. P. 5339—*Legis.* 29-39-5, *dated Bangalore, the 6th February* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Enemy Property (Custody and Registration) Order, 1939, namely :—

In paragraph 3 of the said Order for the words "shall be paid", the words "shall, unless otherwise ordered by the Government, be paid" shall be substituted.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Order No. P. 5328—*Legis.* 38-39-1, *dated Bangalore, the 6th February* 1940.

Ordered that the accompanying Act further to amend the Mysore District Boards Act, 1926, which received the assent of His Highness the Maharaja, on the 29th day of January 1940, be published as Act No. I of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. I OF 1940.

The Mysore District Boards (Amendment) Act, 1940.

(Received the assent of His Highness the Maharaja, on the 29th day of January 1940).

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Mysore District Boards (amendment) Act, 1940. Short title.

2. In section 9 of the Mysore District Boards Act, 1926 (hereinafter referred to as the said Act)— Amendment of section 9, Act III of 1926.

(i) in sub-clause (*b*) for the words "six months" the words "one year" shall be substituted, and

(ii) in the *Explanation* to sub-clause (*b*) for the words "five years" the words "ten years" shall be substituted.

3. In sub-clause (*h*) of sub-section (*1*) (*A*) of section 10 of the said Act for the word "twenty-one" the word "twenty-five" shall be substituted. Amendment of section 10, Act III of 1926.

4. To section 11 of the said Act, the following additional proviso shall be added, namely: Amendment of section 11, Act III of 1926.

"Provided further that a person who is qualified as a voter under sub-clause (*v*) of clause (i) of Schedule I shall not be qualified to be a candidate unless he is a graduate of a University."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5331—*Legis.* 39-39-1, *dated Bangalore, 6th February* 1940.

Ordered that the accompanying Coffee Husk Control Act, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. II of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. II OF 1940.

The Mysore Coffee Husk Control Act, 1940.

(*Received the assent of His Highness the Maharaja, on the* 30*th day of January* 1940.)

Whereas it is expedient to prohibit or restrict the import and export of coffee husk to and from Mysore and to provide for the control of the transport and sale of coffee husk within Mysore; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Mysore Coffee Husk Control Act, 1940.

(*2*) It extends to the whole of Mysore.

(*3*) It shall come into force from such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Prohibition of import or export of coffee husk.

2. No coffee husk shall be imported into or exported from Mysore except with the permission of the Government.

Prohibition of transport of coffee husk.

3. The Government may from time to time, by notification, prohibit the transport of coffee husk from one local area to any other local area.

Prohibition of sale, etc., of coffee husk.

4. No coffee husk shall be sold or otherwise disposed of, except with the permission of the Government and subject to such conditions as it thinks fit to impose.

Penalty for contravention.

5. (*1*) Whoever, in contravention of this Act or of any rules or order made under this Act or of any licence

or permit obtained under this Act, imports, exports, transports or sells or otherwise disposes of any coffee husk shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees.

(2) Notwithstanding anything contained in the second schedule of the Code of Criminal Procedure, 1904, an offence under this Act shall be a cognisable offence as defined under the Code.

Power to make rules.

6. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

MIRZA M. ISMAIL,
Dewan.

Order No. 5332—*Legis.* 40-39-1, *dated Bangalore, the 6th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Legal Practitioners Act, 1884, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. III of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. III OF 1940.

The Mysore Legal Practitioners (Amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja, on the 30th day of January* 1940.)

WHEREAS it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

(1) This Act may be called the Mysore Legal Practitioners (amendment) Act, 1940.

Amendment of section 3 of Act III of 1884.

(2) For the definition of "tout" in section 3 of the Mysore Legal Practitioners Act, 1881 (hereinafter referred to as the said Act), the following definition shall be substituted, namely :—

"Tout" means a person—

(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or revenue offices or railway stations, landing stages, lodging places or other places of public resort.

Amendment of section 26 of Act III of 1884.

(3) In section 26 of the said Act,

(*a*) in sub-section (1)

after the word "satisfaction" the words "or to the satisfaction of any subordinate court as provided in sub-section (2-A)" shall be inserted;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

Explanation.—"The passing of a resolution declaring any person to be or not to be a tout by a majority not less than two-thirds of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section";

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has

ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority: Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard";

(*d*) after sub-section (5) the following sub-section shall be inserted, namely:—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5333—Legis. 41-39-1, dated Bangalore, the 6th February 1940.

Ordered that the accompanying Act further to amend the Code of Civil Procedure, 1911, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. IV of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. IV OF 1940.

The Code of Civil Procedure (Amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja, on the 30th day of January* 1940.)

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1911, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (amendment) Act, 1940. Short title.

Amendment of section 60, Act III of 1911.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1911—

(*a*) In clause (*h*) delete the words 'and salary, to the extent .... of such salary' and insert the following as clause (*ha*) :—

"wages and salary of all employees other than labourers and domestic servants, to the extent of the first fifty rupees and one-half the remainder of such salary ;"

(*b*) in the proviso under clause (i), for the words 'such salary liable to attachment' substitute the words 'wages and salary liable to attachment under clauses (*ha*) and (i);

(*c*) in *Explanation* 1, add item (*ha*) after item (*h*) and omit the words 'and in the case of salary other than.....it is actually payable ;'

(*d*) for *Explanation* (2) substitute the following :—

"in clauses (*ha*) and (i) 'wages and salary' mean the total emoluments calculated on a monthly basis, excluding (i) deductions declared by Government by notification in the official Gazette to be exempt from attachment, and (ii) any allowance declared exempt from attachment under the provisions of clause (*k*), derived by a person from his employment whether on duty or on leave."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5334—*Legis.* 42-39-1, *dated Bangalore the 6th February* 1940.

Ordered that the accompanying Act to provide for the Registration of Foreigners in Mysore which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act V of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. V OF 1940.

The Registration of Foreigners Act, 1940.

An Act to provide for the Registration of Foreigners in Mysore.

(Received the assent of His Highness the Maharaja, on the 30th day of January 1940).

WHEREAS it is necessary to provide for the registration of foreigners entering, being present in, and departing from, Mysore ;

It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Registration of Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

2. In this Act—

Definitions.

(*a*) the word "foreigner" shall denote a person who is not—

(i) a subject of His Highness the Maharaja ; or

(ii) a British subject domiciled in the United Kingdom ; or

(iii) a British Indian subject ; or

(iv) a ruler or subject of an Indian State ; or

(v) a person duly appointed by a foreign government to exercise diplomatic functions ; or

(vi) a consul or a vice-consul ;

(*b*) "prescribed" means prescribed by rules made under this Act.

Power to make rules.

3. The Government may, by notification in the official Gazette, make rules with respect to foreigners for any or all of the following purposes, that is to say—

(*a*) for requiring any foreigner entering, or being present in, Mysore to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;

(*b*) for requiring any foreigner moving from one place to another place in Mysore to report, on

arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*c*) for requiring any foreigner who is about to leave Mysore to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;

(*d*) for requiring any foreigner entering, being present in, or departing from, Mysore to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;

(*e*) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whatever duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*f*) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, Mysore in such vessel or aircraft, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act;

(*g*) for providing for such other incidental or supplementary matters as may appear to the Government necessary or expedient for giving effect to this Act.

Burden of proof.

4. If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Penalties.

5. Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of any

rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

Power to exempt from application of Act.

6. The Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner.

Protection to persons acting under this Act.

7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application of other laws not barred.

8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Saving

9. Any rules made, anything done and any action taken in exercise of any power conferred by or under the Registration of Foreigners (Emergency) Act, 1939 (Act No. IX of 1939), shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 30th day of June 1939.

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

INDEX
TO THE 142
MYSORE GAZETTE

FROM JANUARY TO JUNE 1939.

PART IV—LEGISLATIVE MEASURES AND RULES.

PAGE

Acts—
- Received the assent of His Highness the Maharaja for the following —
  - Mysore Cigarette tobacco safeguarding— ... 32
  - Control of export of tea 37
  - Mixture of alcohol with petrol ... 43
  - Extending the Prevention of Adulteration — to certain places ... 81, 121.
  - Applicability of the rules under the Mysore Prevention of Adulteration — to certain places . 127, 209, 219.
  - A bill further to amend the Mysore State Life Insurance — 1917 ... 181
- Auditors' Certificates—
  - Inviting suggestions or objections for amending the rules for grant of — ... 228
- Received the assent of His Highness the Maharaja for amending the following —
  - Mysore Paper Currency — ... 27
  - Mysore Limitation — ... 28

PAGE

Acts—
- Received the assent of His Highness the Maharaja for amending the following —
  - Mysore Village Panchayat — ... 29
  - Cattle Trespass — 30
  - Societies Registration — ... 31

Bills—
- Report of the Select Committee on the following —
  - Societies Registration — ... 4
  - Mysore Cigarette Tobacco — .. 5
  - Mysore Newspapers — ... 8
  - Mixture of alcohol with petrol ... 17
  - Mysore Land Revenue Code — ... 122
  - Mysore Juveniles — 132
  - Mysore Agricultural Produce Markets— 134
  - Money Lenders'— 138 to 152
  - Patents and Designs (amendment) — 153 to 180.
- Statement of objects and reasons for amending the following —
  - Provident Fund Act, IX of 1916 ... 182

PAGE

Bills—
Statement of objects and reasons for amending the following —
Mysore University Act, 1933 .. 183
Mysore City Municipalities Act, 1933... 186
Village Panchayat Act .. 187
Mysore Legal Practitioners' Act, 1884... 188
Agricultural Produce Grading and Marking — ... 194
Companies Act—
Alterations made with regard to — ... 3
Erratum—
—to notification to Rule 41 of Road Traffic and Taxes Regulation. 60
Licensing Officer—
Cessation of the — of Motor Vehicles
Appointing the Amildar as — for collection of taxes on Motor Vehicles. 217
Lorry—
Fixing the maximum weight of a — of the Electrical Department to six tons 226
Motor Vehicles—
Issuing amendments to rules of public service — 1, 47.
Inviting objections for amending the rules of public service — 2, 99 to 113, 215.
Cessation of the Treasury Officer of Shimoga as Licensing Officer of — ... 13
Payment of tax of — not registered ... 201

PAGE

Motor Vehicles—
Restricting the length of a heavy — to 36 ft. ... 226
Representative Assembly—
Issuing instructions to the — on budget Session ... 24
Road Rollers—
Exempting — of Government from Registration ... 115
Rubber—
Restricting the cultivation of — in the State till 1944 ... 227
Rules—
Amendments to the following—
Legislative Council— 2
Registration of Births and Deaths— ... 14, 57.
Mysore Motor Vehicles — ... 15, 55, 200.
Factories — ... 21
Regulation of water supply — ... 22, 80, 208.
Elementary Education Act — ... 48
—for filling up of vacancies on the Board of Directors of Apex Bank ... 57
Matches Act —1934 88
Weights and Measures — ... 14, 56.
Additions and alterations in the — of the Mysore Game and Fish Preservation — 16
—for the better administration of Mandya Town ... 48

PAGE

Rules—
Substituting to the existing — 61 to 132 of the Village Panchayat Manual relating to assessment ... 61, 78.
Inviting objections for amending the — of the Mysore Highway Act .. 79
Inviting objections for passing the — under the Mysore Prevention of Adulteration Act to certain places ... 81, 90, 116.
Inviting objections or suggestions for amending the — of the Mysore Road Traffic and Taxes Act ... 87, 97, 115.
Addition at the end of Rule 23 of — Motor Vehicles Tax — ... 95
Rules—
Inviting suggestions or objections for amending the — of Mysore Co-operative Societies Act .. 96
— *re* short time licenses of Motor Vehicles ... 217
Toll-gates—
Abolishing certain — 80, 229.
Opening of new —... 89, 200, 215.
Tolls—
Exempting the Motor Vehicles of the following Rajas from payment of all taxes and —
Khairpur .. 59, 199.
Idar ... 193
Tree-tax—
Enhancing the — of date trees under the Mysore Excise Act ... 81

Regd. No. M.—1175

145

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 7

BANGALORE, THURSDAY, FEBRUARY 15, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. R. 4827—L. R. 169-39-3, dated Bangalore, the 13th February 1940.

In exercise of the powers vested in them under Section 233 (n) of the Mysore Land Revenue Code, Government are pleased to issue the following rules prescribing the amount of remission to be granted and the procedure to be followed in granting such remissions under Section 87-A of the Code.

The rules which are in force from time to time in regard to remissions of revenue in Government villages on account of inadequate rainfall shall be applicable to the Inam villages comprised in the tracts and the quantum of remission to be granted to the inferior holders shall be the same as for occupants in Government villages.

The procedure to be adopted shall, as far as practicable, be the same as for Government villages.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

No. G. 7126—P. H. 45-39-15, dated Bangalore, 10th February 1940.

Under Section 20 of the "Mysore Prevention of Adulteration Act, IX of 1921" as amended from time to time, Government propose to make the rules issued in Notification No. G. 2463—Sany. 61-30-7, dated 22nd September 1931, annexed hereto, applicable to the Saklespur Town Municipality. Any objections to this proposal, if made in writing and received on or before the 15th March 1940, will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (b).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (c).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or

containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (d).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (e).—

6. The standards of purity prescribed for milk cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for dirt in Milk.—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both

milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (f).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (g).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black

type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (h).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

No. A. F. 4192—*J. S.* 11-39-14, *Dated Bangalore, the 12th February* 1940.

Erratum.

For the words "Form V (see Rule 10)" of the forms in the Schedule attached to the Mysore Insurance Rules, 1939, published in Part IV of the *Mysore Gazette* dated 21st December 1939 under Notification No. A. F. 3152—J. S. 11-39, dated 19th December 1939, read "Form IV (See Rule 10)".

By Order,
C. E. NORONHA,
Secretary to Government,
Development Department.

No. L. 7061—*Ml.* 98-39-6, *dated Bangalore, the 10th February* 1940.

It is hereby notified that the prohibition regarding the erection of houses and sinking of wells, etc., in certain areas notified in Notification No. R. 767-8—R. F. 55-92, dated the 2nd July 1892, is hereby withdrawn in the case of vacant sites abutting the Cunningham Road, Bangalore City, but included within the prohibited area.

This does not however dispense with the necessity for obtaining permission under the Land Revenue Code in respect of agricultural lands assessed to land revenue.

No. L. 7102—*L. B.* 50-39-24, *dated Bangalore, the 12th February* 1940.

In exercise of the powers conferred on them by Section 101 of the District Board's Act, 1926, as amended from time to time, Government are pleased to direct that Schedule I affixed to the Act, prescribing the qualifications of voters in a general constituency be modified as follows:—

SCHEDULE I.

Qualifications for Voters in a general constituency.

(SEE SECTION 9.)

(1) A person shall be qualified as a Voter in a General Constituency who—

"(i) is the registered occupant of land situated in the constituency and assessed to land revenue

of not less than Rs. 15 per annum payable to the Government; or

(ii) is a Kadim tenant assessed to an annual rent of not less than Rs. 15 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

(iii) is assessed to an annual tax on buildings or shops of not less than Rs. 4 in the constituency; or

(iv) is the owner of alienated lands which would be assessed, if they were not alienated, to land revenue at not less than Rs. 15 per annum; or

(v) (*a*) is in possession of a Secondary School Leaving Certificate, if a male;

(*b*) has passed the Upper Primary or Lower Secondary or Middle School Examination, if a female; and ordinarily resides in the constituency; or

(vi) is a retired and pensioned Officer (whether Commissioned or non-commissioned) of the Mysore State Troops and resides in the constituency; or

(vii) is assessed to income-tax to Government and resides in that constituency.

(2) If property is held or payments are made jointly by the members of a joint-family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists, and the Vote shall be exercised in the case of a Hindu joint-family by the manager thereof, or the member authorised by a majority of the family, and in other cases by the member or partner authorised in that behalf by a majority of the family or partnership concerned.

Explanation.—"Partnership" includes a company firm, association, body of two or more guardians or trustees or the joint-pattadars or other body possessing joint rights.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

153

The Mysore Gazette

(SUPPLEMENTAL)

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 8

BANGALORE, THURSDAY, FEBRUARY 22, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 5470—*Legis.* 43-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act to provide for the grading and marking of agricultural produce which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. VI OF 1940.

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1940.

An Act to provide for the grading and marking of agricultural produce.

(Received the assent of His Highness the Maharaja on the first day of February 1940.)

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

Short title and extent.

1. (*i*) This Act may be called the Agricultural Produce(Grading and Marking) Act, 1940.

(*ii*) It extends to the whole of Mysore.

Definitions.

2. In this Act unless the contrary appears from the subject or context:—

(*a*) "agricultural produce" means any produce of agriculture or horticulture and includes all produce animals and their hides, skins and wool, and any article of food or drink, wholly or partially manufactured from agricultural produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act.

(*b*) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code, as in force in Mysore;

(*c*) "covering" includes any vessel, box, crate, pot, wrapper, tray or other container;

(*d*) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(*e*) "grade designation mark" means a mark prescribed as representing a particular grade designation;

(*f*) "quality" in relation to any article includes the state and condition of the article;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "scheduled article" means an article included in the Schedule; and

(*i*) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of grade designation.

3. The Government may, after previous publication by notification in the official Gazette, make rules—

(*a*) fixing grade designations to indicate the quality of any scheduled article;

(*b*) defining the quality indicated by every grade designation;

(*c*) specifying grade designation marks to represent particular grade designations;

(*d*) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(*e*) specifying the conditions referred to in clause (*d*) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;

(*f*) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark; and

(*g*) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

Penalty for unauthorised marking with grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rules made under section 3, or under any other Act in force for the time being, shall be punishable with fine which may extend to five hundred rupees.

Penalty for counterfeiting grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or instrument for the purpose of counterfeiting a grade designation mark shall be punished with imprisonment which may extend to two years, or with fine or with both.

Extension of application of Act.

6. The Government after such consultation as it thinks fit of the interests likely to be affected may, by notification in the official Gazette declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule, and on the publication of such notification such article shall be deemed to be included in the Schedule.

THE SCHEDULE.

(See section 2).

(1) Fruit.
(2) Vegetables.
(3) Eggs.
(4) Tobacco other than cigarette-tobacco as defined in the Mysore Cigarette-tobacco Safeguarding Act, 1939.
(5) Areca.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5471—*Legis.* 44-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government, Law Department.

ACT No. VII OF 1940.

The Mysore City Municipalities (amendment) Act, 1940.

(Received the assent of His Highness the Maharaja on the first day of February 1940.)

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore City Municipalities (amendment) Act, 1940.

Substitution of new section for section 90, Act VII of 1933.

2. For section 90 of the Mysore City Municipalities Act, 1933, the following section shall be substituted, namely :—

"90. (1) Any person,—

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(2) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5472—Legis. 44-39-2, dated Bangalore, the 10th February 1940.

Ordered that the accompanying Act further to amend the Mysore Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VIII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. VIII OF 1940.

The Mysore Town Municipalities (amendment) Act, 1940.

(Received the assent of His Highness the Maharaja on the first day of February 1940.)

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, it is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Town Municipalities (amendment) Act, 1940.

Substitution of new section for section 85, Act VIII of 1933.

2. For section 85 of the Mysore Town Municipalities Act, 1933, the following section shall be substituted, namely :—

"85. (i) Any person—

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

(ii) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

MIRZA M. ISMIAL,
Dewan.

Order No. P. 5473—*Legis.* 45-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act to provide for certain matters in connection with the taking of the census which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. IX of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. IX OF 1940.

THE MYSORE CENSUS ACT, 1940.

An Act to provide for certain matters in connection with the taking of the census.

(Received the assent of His Highness the Maharaja on the first day of February 1940.)

WHEREAS it has been determined to take a census of Mysore during the year 1941, and whereas it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows :—

Short title and extent.

1. (*a*) This Act may be called the Mysore Census Act, 1940.

(*b*) It extends to the whole of Mysore.

Appointment of census staff.

2. (1) The Government may appoint any person to take, or aid in, or supervise the taking of, the census within any specified local area. Persons so appointed shall be called census-officers.

(2) A declaration in writing, signed by any authority authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (1).

Status of census authorities as public servants.

3. All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Discharge of duties of census-officer in certain cases.

4. (1) (*a*) Every officer in command of any body of men belonging to the Military Forces of His Highness the Maharaja,

(*b*) every person in charge of a lunatic asylum, hospital, workhouse, prison or lock-up or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary or manager of any chattram, hotel, boarding-house, lodging-house, emigration depot or club,

(*d*) every manager or officer of a railway or any commercial or industrial establishment, and

(*e*) every occupant of immovable property wherein at the time of the taking of the census persons are living,—

shall, if so required by the District Magistrate or by such authority as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order direct.

(2) All the provisions of the Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code, as in force in Mysore.

Power to call upon certain persons to give assistance.

5. The District Magistrate, or such authority as the Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(*b*) all village officers and servants in alienated tracts including inam and khayamgutta villages and jahgirs, and

(*c*) all members and officers of village panchayets, district boards and municipal councils and other local authorities and servants of such authorities,—

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the villages or other areas for which such village officers and servants are appointed, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Asking of questions and obligation to answer.

6. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such questions to the best of his knowledge and belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to permit access and affixing of numbers.

7. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purpose of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

8. (1) Subject to such orders as the Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part thereof or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

Penalties.

9. (*a*) Any census-officer or any person lawfully required to give assistance towards the taking of a census

who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(*b*) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(*c*) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 6 to answer, or

(*d*) any person occupying any house, enclosure or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 7 to allow, or

(*e*) any person who removes, obliterates, alters or damages before the 31st day of March, 1941, any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(*f*) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,—

shall be punishable with fine which may extend to five hundred rupees.

Sanction required for prosecution.

10. No prosecution under this Act shall be instituted except with the previous sanction of the Government or of an authority authorised in this behalf by the Government.

Operation of other laws not barred.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

Jurisdiction.

12. No Court inferior to that of a Magistrate of the Second Class shall try, whether under this Act or under

any other law, anything which constitutes an offence under this Act.

Record of census not open to inspection nor admissible in evidence.

13. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duties as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, as applied to Mysore, no entry in any such book, register, record or schedule shall be admissible in evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

Temporary suspension of other law as to mode of taking census in municipalities.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which census is to be taken in any municipality, the municipal authority, in consultation with such authority as the Government may authorise in this behalf, shall, at the time appointed for the taking of the census of Mysore during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

Power in regard to expenses.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, or village funds, the Government may direct that the whole or any part of any expenses incurred for any thing done in accordance with this Act or the rules made thereunder may be charged to any municipal, local or village funds constituted for, and on behalf of, the area within which such expenses were incurred.

Power to to make rules.

16. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing,—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5474—*Legis.* 46-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act further to amend the Mysore District Boards Act, 1926, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act, No. X of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT NO. X OF 1940.

The Mysore District Boards (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the first day of February 1940.*)

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926; It is hereby enacted as follows:—

1. This Act may be called the Mysore District Boards (amendment) Act, 1940. Short title.

2. In the explanation to sub-section (4) of section 68 of the Mysore District Boards Act, 1926, for the word "beyond," the word "including" shall be substituted. Amendment of section 68, Act III of 1926.

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

160

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 9

BANGALORE, THURSDAY, FEBRUARY 29, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 2379—*R. T.* 3-39-16, *dated Bangalore, the 22nd February* 1940.

The following draft amendment which the Government propose to make, in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 15th March 1940 in respect of the said draft will be considered by Government.

Draft Amendment.

Add the following as proviso to Rule 39-A of the aforesaid rules:—

Proviso.—Provided that exemption from the operation of this rule may be granted by the Traffic Board in respect of any lorry whose weight exceeds six tons, subject to such conditions as it may impose, on the application of the owner of the vehicle giving the following particulars :—

Particulars of vehicle, the maximum laden weight, unladen weight and axle weight of each axle; the number of such vehicles and the roads in which the applicant intends running such vehicle or vehicles.

No. T. 2380—*R. T.* 59-39-1, *dated Bangalore, the 22nd February* 1940.

In exercise of the powers conferred on them by sub-section 3-A of Section 9 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that taxes as noted below shall be levied, as a special case, for periods of seven days and thirty days on motor buses and cabs belonging to or in possession and control of persons not residing in Mysore conveying pilgrims to Shravanabelagola on the occasion of the Mahamastaka-bhisheka Ceremony in February 1940.

SERVICE TAX.

	For periods not exceeding 7 days at a time.			*For periods exceeding 7 days but not exceeding 30 days at a time.*		
	Rs.	a.	p.	Rs.	a	p.
MOTOR CABS AND BUSES.—						
For every person the vehicle is licensed to carry ...	1	8	0	3	0	0

MILEAGE CESS.

MOTOR BUSES ... ... Nine pies per mile.

No. T. 2443—*R. T.* 3-39-17, *dated Bangalore, the 26th February* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the rules regarding Public Service Motor Vehicles issued with notification No. P. 3992—Legis. 46-35, dated 18th December 1935, and amended from time to time, the draft in this behalf having been already published at page 19, Part IV of the *Mysore Gazette*, dated 18th January 1940, with Notification No. T. 2056—R. T. 3-39-13, dated 17th January 1940.

Amendment.

The following shall be added as Rule 74-A to the aforesaid rules regarding public service vehicles :—

"74-A. On and after the first day of April 1940, an efficient automatic windscreen wiper shall be fitted to every public service motor vehicle which is so constructed that the driver cannot by opening the windscreen, or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen."

No. T. 2444—*R. T.* 3-39-18, *dated Bangalore, the 26th February* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having been published with Notification No. T. 1863—R. T. 3-39-11, dated 26th December 1939, at page 1, Part IV of the *Mysore Gazette*, dated 4th January 1940.

Amendment.

Add the following as Rule 12-B to the aforesaid rules and re-number the existing Rules 12-B and 12-C as 12-C and 12-D, respectively:—

"12-B. If the registering authority is satisfied that a motor vehicle has been permanently removed out of Mysore State, the registering authority shall cancel the registration."

No. P. 5876—Legis., dated Bangalore, the 26th February 1940.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1940 (V of 1940), the Government of His Highness the Maharaja are pleased to make the following amendment in the Declarations published under Notification No. P. 435—Legis. 36-38-5, dated the 21st July 1939, namely—

In the said Declarations—

In Declaration 4 for the words "or Portugese India" the words "Portugese India, the Straits Settlements or the Federated Malay States" shall be substituted.

No. L. 7377—Ml. 145-39-8, *dated Bangalore, the 22nd February* 1940.

In exercise of the powers vested in them under Section 228 (2) (*h*) of the Mysore City Municipalities Act, 1933, as amended from time to time and the rules framed thereunder, Government are pleased to direct that an addition as noted in the margin be made to rule 45 of the rules for the regulation of water-supply in Bangalore City issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939.

"In the case of houses containing flushing latrines, however, an additional free allowance of 750 gallons per month shall be allowed in respect of each such latrine, provided that the concession shall not apply to more than two such latrines in a single house or premises."

The amended rule will read as follows:—

The free allowance of water to a consumer for domestic connection shall be regulated as follows :—

For every one rupee of the annual rental value of the premises, the authorised free allowance shall be 100 gallons per annum, but in no case shall such free allowance be less than 3,000 gallons or more than 10,000 gallons per month. In the case of houses containing flushing latrines, however, an additional free allowance of 750 gallons per month shall be allowed in respect of each such latrine, provided that the concession shall not apply to more than two such latrines in a single house or premises.

The same rates shall apply to Government buildings used for residential purposes.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

17 1

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 9

BANGALORE, THURSDAY, FEBRUARY 29, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 2379—*R. T.* 3-39-16, *dated Bangalore, the* 22*nd February* 1940.

The following draft amendment which the Government propose to make, in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 15th March 1940 in respect of the said draft will be considered by Government.

Draft Amendment.

Add the following as proviso to Rule 39-A of the aforesaid rules:—

Proviso.—Provided that exemption from the operation of this rule may be granted by the Traffic Board in respect of any lorry whose weight exceeds six tons, subject to such conditions as it may impose, on the application of the owner of the vehicle giving the following particulars :—

Particulars of vehicle, the maximum laden weight, unladen weight and axle weight of each axle; the number of such vehicles and the roads in which the applicant intends running such vehicle or vehicles.

No. T. 2380—*R. T.* 59-39-1, *dated Bangalore, the 22nd February* 1940.

In exercise of the powers conferred on them by sub-section 3-A of Section 9 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that taxes as noted below shall be levied, as a special case, for periods of seven days and thirty days on motor buses and cabs belonging to or in possession and control of persons not residing in Mysore conveying pilgrims to Shravanabelagola on the occasion of the Mahamastaka-bhisheka Ceremony in February 1940.

SERVICE TAX.

	For periods not exceeding 7 days at a time.			*For periods exceeding 7 days but not exceeding 30 days at a time.*		
	Rs.	a.	p.	Rs.	a	p.
MOTOR CABS AND BUSES.—						
For every person the vehicle is licensed to carry ...	1	8	0	3	0	0

MILEAGE CESS.

MOTOR BUSES ... ... Nine pies per mile.

No. T. 2443—*R. T.* 3-39-17, *dated Bangalore, the 26th February* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the rules regarding Public Service Motor Vehicles issued with notification No. P. 3992—Legis. 46-35, dated 18th December 1935, and amended from time to time, the draft in this behalf having been already published at page 19, Part IV of the *Mysore Gazette*, dated 18th January 1940, with Notification No. T. 2056—R. T. 3-39-13, dated 17th January 1940.

Amendment.

The following shall be added as Rule 74-A to the aforesaid rules regarding public service vehicles :—

"74-A. On and after the first day of April 1940, an efficient automatic windscreen wiper shall be fitted to every public service motor vehicle which is so constructed that the driver cannot by opening the windscreen, or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen."

No. T. 2444—*R. T.* 3-39-18, *dated Bangalore, the 26th February* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having been published with Notification No. T. 1863—R. T. 3-39-11, dated 26th December 1939, at page 1, Part IV of the *Mysore Gazette*, dated 4th January 1940.

Amendment.

Add the following as Rule 12-B to the aforesaid rules and re-number the existing Rules 12-B and 12-C as 12-C and 12-D, respectively :—

"12-B. If the registering authority is satisfied that a motor vehicle has been permanently removed out of Mysore State, the registering authority shall cancel the registration."

No. P. 5876—*Legis., dated Bangalore, the* 26*th February* 1940.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1940 (V of 1940), the Government of His Highness the Maharaja are pleased to make the following amendment in the Declarations published under Notification No. P. 435—Legis. 36-38-5, dated the 21st July 1939, namely—

In the said Declarations—

In Declaration 4 for the words "or Portugese India" the words "Portugese India, the Straits Settlements or the Federated Malay States" shall be substituted.

No. L. 7377—*Ml.* 145-39-8, *dated Bangalore, the* 22*nd February* 1940.

In exercise of the powers vested in them under Section 228 (2) (*h*) of the Mysore City Municipalities Act, 1933, as amended from time to time and the rules framed thereunder, Government are pleased to direct that an addition as noted in the margin be made to rule 45 of the rules for the regulation of water-supply in Bangalore City issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939.

"In the case of houses containing flushing latrines, however, an additional free allowance of 750 gallons per month shall be allowed in respect of each such latrine, provided that the concession shall not apply to more than two such latrines in a single house or premises."

The amended rule will read as follows:—

The free allowance of water to a consumer for domestic connection shall be regulated as follows :—

For every one rupee of the annual rental value of the premises, the authorised free allowance shall be 100 gallons per annum, but in no case shall such free allowance be less than 3,000 gallons or more than 10,000 gallons per month. In the case of houses containing flushing latrines, however, an additional free allowance of 750 gallons per month shall be allowed in respect of each such latrine, provided that the concession shall not apply to more than two such latrines in a single house or premises.

The same rates shall apply to Government buildings used for residential purposes.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 10

BANGALORE, THURSDAY, MARCH 7, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 3898—*I. & C.* 453-39-2, *dated Bangalore, the 29th February* 1940.

In exercise of the powers vested in them under Section 1 (3) of the Mysore Coffee Husk Control Act, II of 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Act shall come into force with effect from 1st April 1940.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. P. 5678—*Legis.* 47-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Act further to amend the Code of Criminal Procedure, 1904, which received the assent of His Highness the Maharaja of Mysore, on the 1st day of February 1940 be published as Act XI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XI OF 1940.

The Code of Criminal Procedure (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the* 1*st day of February* 1940.)

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1904; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Code of Criminal Procedure (amendment) Act, 1940.

Amendment of section 4, Act II of 1940.

2. For the definition of "European British Subject" in section 4 (1) (l) of the Code of Criminal Procedure, 1904 (hereinafter referred to as the Code), the following shall be substituted, namely—

"(l) "European British Subject" means—

(*a*) any subject of His Majesty the King-Emperor of European descent in the male line born, naturalised or domiciled in any part of His Majesty the King-Emperor's Dominions exclusive of British India and of British Burma, or

(*b*) any subject of His Majesty the King-Emperor who is the child or grandchild of any such person by legitimate descent:"

3. In sub-section (1) of section 130 of the Code, after the words "the Maharaja" the following words shall be inserted, namely— Amendment of section 130, Act II of 1904

"or in the Kolar Gold Fields Battalion of the Auxiliary Force (India)."

4. In section 131 of the Code, after the words "the Maharaja" the following words shall be inserted, namely— Amendment of section 131, Act II of 1904

"or of any local unit of the Auxiliary Force (India) referred to in sub-section (1) of section 130."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5680—*Legis.* 48-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Mysore Public Security Act which received the assent of His Highness the Maharaja, on the 2nd day of February 1940, be published as Act No. XII of 1940, in the *Mysore Gazette* for general information.

C. SUBBAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. XII OF 1940.

THE MYSORE PUBLIC SECURITY ACT, 1940.

(*Received the assent of His Highness the Maharaja on the 2nd day of February* 1940.)

WHEREAS it is expedient to supplement the criminal law for the purpose of securing the public safety and interest; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Public Security Act, 1940. Short title, extent and duration.

(2) The Government may, by notification in the official Gazette, from time to time, apply all or any of the provisions of this Act to the whole or any part of the State and may cancel or modify such notification from time to time.

Definitions

2. In this Act unless there is anything repugnant in the subject or context—

(1) "the Code" means the Code of Criminal Procedure, 1904;

(2) (*a*) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(*b*) "unlawfull association" means an association,—

(*i*) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, or

(*ii*) which has been declared to be unlawful by the Government under the powers conferred under this Act;

(3) "foreigner" shall denote a person who is not a natural born subject of His Highness the Maharaja, or who has not acquired domicile in the State by residence therein for not less than five years immediately preceding the date when the question of his status arises coupled with the intention to reside therein permanently;

(4) "notified place" means a place which has been notified under section 14;

(5) (*i*) "public meeting" means a meeting which is open to the public or any class or portion of the public;

(*ii*) a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

CHAPTER II.

SPECIAL POWERS OF ARREST, DETENTION AND SEARCH.

Power to arrest and detain suspected persons.

3. (1) Any officer of the Government, authorised in this behalf, by general or special order of the Government, may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or

peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, may use any means that may be necessary to effect the arrest.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing, commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf :

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days :

Provided further that no person shall be so detained in custody for a period exceeding two months.

(3) Any order passed by an officer under sub-section (1) may be revised by the Government.

Power to control suspected persons.

4. (1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person,—

(*a*) shall not enter, reside or remain in any area specified in the order ;

(*b*) shall reside or remain in any area specified in the order ;

(*c*) shall remove himself from, and shall not return to, any area specified in the order ;

(*d*) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Power to prohibit or regulate traffic.

5. (1) The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think

necessary in the interests of the public safety or peace, traffic over any road, pathway, bridge, waterway or ferry.

(2) Whoever disobeys, or neglects to comply with, an order made under this section shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Power to secure reports of public meetings.

6. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of Sub-Inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Power to issue search warrants.

7. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or peace has been, is being, or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

Dissemination of contents of proscribed documents.

8. Whoever publishes, circulates, sells, or repeats in public any passage from, a newspaper, book or other document, copies whereof have been declared forfeited to the Government under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Power to give effect to orders if disobeyed.

9. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction, or prescribed the condition may, take or cause to be taken such action as it thinks necessary to give effect thereto.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

Penalty for disobeying order under Section 4.

10. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER III.

UNLAWFUL ASSOCIATION.

Power to declare associations unlawful.

11. If the Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the official Gazette, declare such association to be unlawful.

Penalties.

12. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes, or assists in promoting, a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Continuance of association

13. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

Power to notify and take possession of places used for the purposes of an unlawful association.

14. (1) The Government may, by notification in the official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall

forthwith make a report of the taking of possession to the Government:

Provided where such place contains any apartment occupied by women and children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

15. (1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

(2) If, in the opinion of the Government, any article specified in the list is or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such article to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit.

(3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found, shall be disposed of in such manner as the District Magistrate may direct.

Trespass upon notified places.

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code any such offence of criminal trespass shall be cognisable and non-bailable.

The relinquishment of property.

17. Before a notification under sub-section (1) of section 14 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

Power to forfeit funds of an unlawful association.

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used

for the purposes of an unlawful association, the Government may, by order in writing, declare such monies, securities or credits to be forfeited to the Government.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy, such person shall pay or deliver the monies, securities or credits to the order of the Government:

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of, and dealings in, any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office,

or where there is no registered office, at the place where it carries on business.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited to the order of the Government.

(7) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the "market value of any security" means the value as fixed by any officer or person deputed by the Government in this behalf.

CHAPTER IV.

PREVENTION OF SEDITIOUS AND CERTAIN OTHER PUBLIC MEETINGS.

Power of Government to notify proclaimed area.

19. (1) The Government may, by notification in the official Gazette, declare the whole or any part of the State to be a proclaimed area.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notification in respect of the same area from time to time as it may think fit.

Notice to be given of public meetings.

20. (1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area—

(*a*) unless written notice of the intention to hold such meeting and of the time and place of such meeting

has been given to the District Magistrate at least three days previously ; or

(*b*) unless permission to hold such meeting has been obtained in writing from the District Magistrate.

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to any public meetings or class of public meetings exempted for that purpose by the Government by general or special order.

Power to prohibit public meetings.

21. The District Magistrate may, at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Penalties.

22. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 20 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under section 21 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code, as in force in Mysore, and of Chapter IX of the Code.

Penalty for delivery of speeches in public places.

23. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from the provisions of section 20, without the permission in writing of the District Magistrate, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER V.

PROVISIONS AGAINST CERTAIN FORMS OF INTIMIDATION.

Molesting a person to prejudice of employment or business.

24. (1) Whoever,—

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family

or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(*b*) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of Sub-Inspector.

Procedure in offences under the Chapter.

25. Notwithstanding anything contained in the Code, an offence punishable under section 24 shall be cognizable by the police and shall be non-bailable.

Power to Government to make certain offences cognizable and non-bailable.

26. (1) The Government may, by notification in the official Gazette, declare that any offence punishable under sections 186, 188, 190, 228, 293, 384, 385, 426, 427, 505, 506 or 507 of the Indian Penal Code, as in force in Mysore, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Government may, in like manner and subject to the like conditions, and with the like effect declare that an offence punishable under section 188 or section 506 of the Indian Penal Code, as in force in Mysore, shall be non-bailable.

CHAPTER VI.

PROVISIONS AGAINST INSTIGATION TO THE ILLEGAL REFUSAL OF THE PAYMENT OF CERTAIN LIABILITIES

Power to declare notified areas and notified liabilities.

27. (1) The Government may, by notification in the official Gazette, declare that the whole or any part of the

State shall be a notified area for the purposes of this Chapter.

(2) The Government may further, by the same or by subsequent notification, declare that in such notified area, land revenue or any sum recoverable as arrears of land revenue or any tax, rate, cess or other dues or amount payable to the Government or to any local authority, or rent of agricultural land or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful instigation to the non-payment of notified liability.

28. Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, instigates, expressly or by implication any person or class of persons not to pay or to defer payment of any notified liability or whoever does any act with intent, or knowing it to be likely that any words, signs, or visible representations containing such instigation, shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever, shall be punishable with imprisonment which may extend to six months or with fine, or with both.

Explanation.—Comments made in good faith expressing disapprobation of the incidence, rate or amount of a notified liability, without instigating refusal to pay such liability, but with a view to securing by lawful means a temporary or permanent remission or reduction thereof shall not constitute an offence under this section.

Power to collect an arrear of a notified liability as an arrear of land revenue.

29. (1) Any person to whom an arrear of a notified liability is due, may apply in writing to the Deputy Commissioner to realize it, and the Deputy Commissioner may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land revenue, in accordance with the law applicable to the recovery of arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent any person, to whom an arrear of a notified liability is due, from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him, may recover such excess in accordance with law from the person on whose behalf the Deputy Commissioner has realized it.

Special rule of procedure.

30. No magistrate shall take cognizance of any offence punishable under this Chapter, except upon a report in writing of facts, which constitute such offence, made by a police officer not below the rank of Sub-Inspector.

CHAPTER VII.

PROVISIONS RELATING TO FOREIGNERS.

Proof of being a foreigner.

31. If a question shall arise whether any person alleged to be a foreigner, is a foreigner or not, the onus of proving that such person is not a foreigner, shall lie upon such person.

Government may order foreigner to remove himself.

32. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner may be apprehended or detained pending order of removal.

33. (1) Whenever a District Magistrate considers that the Government should be moved to issue an order under section 32 in respect of any foreigner who is within the jurisdiction of such Magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) The Magistrate issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the Magistrate issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the Magistrate issuing such warrant, such magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any magistrate who has in accordance with the provisions of sub-section (4) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 32.

Penalty for refusing to move or returning after removal.

34. (1) If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed himself from Mysore in consequence of an order issued under any of the provisions of this Chapter, or having been removed from Mysore under any of the said provisions, shall wilfully return thereto without permission in writing granted by the Government,

such foreigner may be apprehended and detained in safe custody and the Government may thereupon discharge him upon such terms and conditions as the Government shall deem sufficient or cause him to be removed from the State in such manner as it shall deem fit.

(2) Notwithstanding anything in the provisions of this Chapter, if a foreigner disobeys or neglects to comply with any order made or directions given in accordance with the provisions of this Chapter, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER VIII.

SUPPLEMENTAL.

Penalty for obstructing officers.

35. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Indian Penal Code, as in force in Mysore.

Cognisance of offence.

36. No court inferior to that of a Magistrate of the First Class shall try any offence against this Act.

Jurisdiction barred.

37. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or

criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

Repeal and savings.

38. The Mysore Public Security Act (Emergency Act No. XXIV of 1939) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Public Security Act (Act No. XXIV of 1939) shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 25th day of September 1939.

MIRZA M. ISMAIL,
Dewan.

Order No. P 5681—*Legis.* 49-39-1, *dated Bangalore,* 14*th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Income-tax Act, 1923, which received the assent of His Highness the Maharaja on the 2nd day of February 1940, be published as Act No. XIII of 1940 in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT NO. XIII OF 1940.

The Mysore Income-tax (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the 2nd day of February* 1940.)

WHEREAS it is expedient further to amend the Mysore Income-tax Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*i*) This Act may be called the Mysore Income-tax (amendment) Act, 1940;

(*ii*) It shall come into force on the first day of July 1940.

Substitution of new section for section 3, Act V of 1923.

2. For section 3 of the Mysore Income-tax Act, 1923 (hereinafter referred to as the said Act), the following section shall be substituted, namely :—

Charge of Income-tax.

"3. Income-tax shall be charged for the year beginning with the first day of July 1940 and in respect of each subsequent year, at the rate or rates specified in Schedule I, in accordance with and subject to the provisions of this Act, in respect of all income, profits and gains of the previous year of every individual, Hindu undivided family, company, firm and other association of individuals.

Explanation.—For the purpose of sections 3 and 55, income-tax and super-tax chargeable during the year beginning with the first day of July 1939 or any previous year shall, so far as may be, be leviable at the rates specified in Schedules I and II as in force during those years."

Substitution of new Schedule for Schedule I to Act V of 1923.

3. For Schedule I to the said Act, the following Schedule shall be substituted, namely :—

"Schedule I.

RATES OF INCOME-TAX.

(*Section* 3.)

A. In the case of every individual, every Hindu undivided family, every unregistered firm and every other association of individuals not being a registered firm or a company:—

		Rate.
1.	Where the total income is less than Rs. 2,400.	Nil.
2.	Where the total income is Rs. 2,400 or upwards, but less than Rs. 5,000.	Three pies in the rupee.
3.	Where the total income is Rs. 5,000 or upwards, but less than Rs. 10,000.	Four and half pies in the rupee.
4.	Where the total income is Rs. 10,000 or upwards, but less than Rs. 15,000.	Six pies in the rupee.
5.	Where the total income is Rs. 15,000 or upwards, but less than Rs. 20,000.	Seven and half pies in the rupee.
6.	Where the total income is Rs. 20,000 or upwards, but less than Rs. 30,000.	Nine pies in the rupee.

		Rate.
7.	Where the total income is Rs. 30,000 or upwards, but less than Rs. 40,000.	Twelve pies in the rupee.
8.	Where the total income is Rs. 40,000 or upwards, but less than Rs. 50,000.	Fifteen pies in the rupee.
9.	Where the total income is Rs. 50,000 or upwards, but less than Rs. 75,000.	Eighteen pies in the rupee.
10.	Where the total income is Rs. 75,000 or upwards.	Twenty-four pies in the rupee.

B. In the case of every company and every registered firm :—

1.	Where the total income is Rs. 2,400 or upwards, but less than Rs. 4,800	Eighteen pies in the rupee.
2.	Where the total income is Rs. 4,800 or upwards.	Twenty-four pies in the rupee."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5679—Legis. 50-39-1, dated Bangalore, the 14th February 1940.

Ordered that the accompanying Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news which received the assent of His Highness the Maharaja on the 2nd day of February 1940 be published as Act No. XIV of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XIV OF 1940.

THE MYSORE PRESS AND NEWSPAPERS ACT, 1940.

An Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news.

(*Received the assent of His Highness the Maharaja on the 2nd day of February 1940.*)

Preamble. WHEREAS it is expedient to provide for the better control of the press and the publication of newspapers

and other works containing public news; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Mysore Press and Newspapers Act, 1940.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "newspaper" means any periodical work containing public news or comments on public news;

(4) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 4;

(5) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(6) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(7) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not, for the time being, valid declarations under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required;

(8) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

(9) "undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore.

Control of Printing Presses and Newspapers.

Deposit of security by keepers of printing presses.

3. (1) (*a*) Any person keeping a printing press who is required to make a declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof, in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any person keeping a printing press who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 4 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations, to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the

Government, the Government may, by further notice in writing, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being more than one thousand rupees as the Government may think fit to require, in money or the equivalent there of in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

Power to declare security or press forfeited certain cases

4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,

(*c*) to seduce any officer, sowar, driver, sepoy or follower in the Mysore Military Forces or any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty the King-Emperor of India or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person

any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other dues or amount payable to the Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any of the forces of His Majesty the King-Emperor of India, or in any police force, or to prejudice the training, discipline or administration, of any such force,

the Government may issue notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, to show cause why such security should not be ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, declare such security or any portion thereof to be forfeited to the Government.

Explanation (*i*)—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (*a*).

(*ii*) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iii*) Comments expressing disapprobation of the administrative or other action of the Government without

exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iv*) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in sub-section (1), the Government may, by notice in writing to the keeper of such printing press stating or describing such words, signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to the Government.

(4) The Government may in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to the Government.

Deposit of further security.

5. (1) Where the security given in respect of any press or any portion thereof has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount not being less than one thousand or more

than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4 or section 6 any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

6. (1) If after security has been deposited under section 5, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

7. (1) (*a*) Any publisher of a newspaper who is required to make a declaration under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any publisher of a newspaper who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government, which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 8 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount not being less than five hundred or more than two thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

Power to declare security forfeited in certain cases.

8. (1) If any newspaper in respect of which any security has been ordered to be deposited under section 7 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations to show cause why such security should not be

ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore,

and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

9. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 8 or section 10, any person making a fresh declaration under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being more than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

10. (1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4,

sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

Penalty for keeping press or publishing newspaper without making deposit.

11. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 3 or section 5 as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Indian Press and Registration of Book Act No. XXV of 1867, as in force in Mysore.

Consequence of failure to deposit security as required.

12. (1) Where a deposit is required from the keeper of a printing press under section 3, such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 5, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 7 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

Return of deposited security in certain cases.

13. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867 as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained be returned to such person.

Issue of search warrant.

14. Where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to the Government under section 4, section 6, section 8, section 10, or section 12 the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(1) where any such property may be or may be reasonably suspected to be, or

(2) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheets and newspapers.

16. (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorissd news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

17. (1) Where a District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 16.

Penalty for disseminating unauthorised news-sheets and news-papers.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

Forfeiture of news-paper, etc., containing objectionable matters.

19. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter

upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

20. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post. Non-transmission by post.

Powers of High Court.

21. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 3 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 7 or any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within ninety days from the date of such order, apply to the High Court to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 4, sub-section (1). Application to High Court to set aside order of forfeiture.

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 12 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

22. Every such application shall be heard and determined by a Bench of the High Court consisting of not less than two Judges. Hearing by Bench.

23. (1) If it appears to the Bench on an application under sub-section (1) of section 21 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Bench shall set aside the order. Order of Bench setting aside forfeiture.

(2) If it appears to the Bench on an application under sub-section (2) of section 21 that the printing press was not used in contravention of sub-section (1) of section 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Bench, the decision shall be in

accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspaper.

24. On the hearing of an application under sub-section (1) of section 21 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

Procedure in High Court.

25. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Service of notices.

26. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as describedi n the keeper's declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

27. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

28. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 21 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act. Jurisdiction barred.

29. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act. Operation of other laws not barred.

30. All declarations required to be made under section 4, section 5 and section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be made before a District Magistrate. Declaration before whom to be made.

31. The Mysore Newspapers Act, 1908, is hereby repealed. Repeal.

MIRZA M. ISMAIL,
Dewan.

No. P. 5947—*Cts.* 182-39-2, *dated Bangalore, the 29th February* 1940.

In virtue of the powers vested in them under the Schedule to the Mysore Extradition Act, VI of 1938, the Government of His Highness the Maharaja of Mysore are pleased to direct that the offences under the Indian Opium Act, 1878, the Dangerous Drugs Act, 1930, and the Excise and Abkari Acts, in so far as they relate to Indian Hemp, be deemed to be extradition offences for the purpose of the Mysore Extradition Act, 1938.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

204

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 11

BANGALORE, THURSDAY, MARCH 14, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 4855—*C. S.*, 19-39-14, *dated Bangalore, the 9th March* 1940.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act, VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft amendments to Rule 32, relating to the constitution of the Board of Management of the Mysore Provincial Co-operative Apex Bank, Ltd., Any objection or suggestion to the proposed amendments may be sent in writing to the General Secretary to Government within one month from the date of publication of this Notification, in the *Mysore Gazette* after which the drafts will be taken up for consideration.

Any suggestion or objection received after the due date will not receive consideration.

"Rule 32 (5).—All the representatives of rural and urban affiliated Co-operative Societies and of the preference share holders shall be elected annually by their own

respective groups of electors at the annual General Meeting of the Bank.

"Rule 32 (7).—The term of office of all the twelve Directors elected in accordance with clause 5 above shall terminate on the day of the annual general election following their election and five out of those twelve Directors shall be ineligible for re-election till the next annual general election following such general election at which they retire. The five Directors who are to be declared ineligible shall be two each from out of the representatives of the rural and urban affiliated co-operative societies and one from out of the representatives of preference share holders and their names shall be determined by lot at a meeting of the Board prior to such annual general election and shall be mentioned in the annual report."

By Order,

J. APPAJI GOWDA,
Secretary to Government,
General Department.

No. T. 2614—*R. T.* 67-39-2, *dated Bangalore, the* 8*th March* 1940.

The Mutsaddi of Karlahalli Toll-gate in Harihar Sub-Taluk, Chitaldrug District, is appointed Licensing Officer under the Road Traffic and Taxes Act, VI of 1935, as amended by Act, IX of 1936, for the purpose of collection of vehicle tax on motor cycles and cars only and for issue of licenses therefor.

The above Licensing Officer is also empowered to collect the composition fee in lieu of tolls in respect of the vehicles specified in para 1 above under Section 20 of the said Act and the rules issued thereunder and to issue tokens therefor.

This will take effect on and from the 15th March 1940.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175

The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY MARCH 16, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 6139—*Legis.* 52-39-1, *dated Bangalore, the 9th March* 1940.

Ordered that the accompanying Act to provide for the imposition of restrictions of foreigners which received the assent of His Highness the Maharaja, on the 2nd day of March 1940, be published as Act No. XVI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XVI OF 1940.

THE MYSORE FOREIGNERS ACT, 1940.

An Act to provide for the imposition of restrictions on foreigners.

(*Received the assent of His Highness the Maharaja on the 2nd day of March* 1940.)

WHEREAS it is expedient to provide for the imposition of restrictions on the entry of foreigners into Mysore, their presence therein and their departure therefrom;

His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this act—

(*a*) "foreigner" has the meaning assigned to it in the Indian Foreigners Act, 1864, except that it does not include—

(i) any subject of His Highness the Maharaja; or

(ii) any ruler or subject of any Indian State; or

(iii) any native of the tribal areas;

(*b*) "prescribed" means prescribed by orders made under this Act;

(*c*) "specified" means specified by directions of a prescribed authority.

Power to make orders.

3. (*1*) The Government may, by order, make provision either generally with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into Mysore or their departure therefrom or their presence or continued presence therein.

(2) In particular, and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner—

(a) shall not enter Mysore, or shall enter Mysore only at such times and by such route and at such place and subject to the observance of such conditions on arrival as may be prescribed;

(b) shall not depart from Mysore, or shall depart only at such times and by such route and from such place and subject to the observance of such conditions on departure as may be prescribed;

(c) shall not remain in Mysore, or in any prescribed area therein;

(d) shall remove himself to, and remain in, such area in Mysore as may be prescribed;

(e) shall comply with such conditions as may be prescribed or specified—

(i) requiring him to reside in a particular place;

(ii) imposing any restrictions on his movements;

(iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

(iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his hand-writing and signature to such authority and at such time and place as may be prescribed or specified;

(v) prohibiting him from association with persons of a prescribed or specified description;

(vi) prohibiting him from engaging in activities of a prescribed or specified description;

(vii) prohibiting him from using or possessing prescribed or specified articles; or

(viii) otherwise regulating his conduct in any such particular as may be prescribed or specified;

(*f*) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions; or

(*g*) shall be arrested and detained or confined; and may make provision for such incidental and supplementary matters as may, in the opinion of the Government, be expedient or necessary for giving effect to this Act.

Internees.

4. (*1*) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (g) of sub-section (2) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Government may from time to time determine.

(*2*) No person shall—

(*a*) knowingly assist an internee to escape from custody or knowingly harbour an escaped internee; or

(*b*) give an escaped internee any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee.

(*3*) The Government may, by order, provide for regulating access to, and the conduct of persons in, places in Mysore where internees are detained and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees therein of such articles as may be prescribed.

(*4*) No proceedings shall be taken by virtue of sub-section (2) or sub-section (3) against any person in respect of any act done by him when he is himself an internee.

Change of name.

5. (*1*) No foreigner who was in Mysore on the date on which this Act came into force shall, while in Mysore after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(*2*) Where, after the date on which this Act came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than

that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub-section (1), be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(3) In relation to any foreigner who, not having been in Mysore on the date on which this Act came into force, thereafter enters Mysore, sub-sections (1) and (2) shall have effect as if for any reference in those sub-sections to the date on which this Act came into force there were substituted a reference to the date on which he first enters Mysore thereafter.

(4) For the purposes of this section—

(a) the expression "name" includes a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(5) Nothing in this section shall apply to the assumption or use—

(a) of any name in pursuance of a Royal Licence or under the orders of His Highness the Maharaja; or

(b) by any married woman, of her husband's name.

Objections on pilots of aircraft.

(6) Any District Magistrate and any Superintendent of Police may, for any purpose connected with the enforcement of this Act or any order made thereunder, enter, with such assistance as he may think fit, any aircraft at any place in Mysore and may—

(a) direct the pilot of the aircraft,

(i) before any passenger disembarks, or before the aircraft leaves such place to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the aircraft commenced its journey, or who have signified their intention of departing from Mysore on board such aircraft, setting out the places at which they embark, the places of their disembarkation or intended disembarkation, and such other particulars as may be prescribed, and

(ii) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of Mysore; and

(*b*) if any foreigner seeking to enter Mysore on board such aircraft does not give satisfactory reasons for entering Mysore, either—

(i) refuse to allow such foreigner to disembark from such aircraft, or

(ii) place him under such restraint as may be prescribed or specified.

Burden of proof.

7. If any question arises with reference to this Act or any order made or direction given thereunder, whether any person is or is not a foreigner, the onus of proving that such person is not a foreigner shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Power to exempt from application of Act.

8. The Government may, by order, declare that any or all of the provisions of this Act, or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, to or in relation to any individual foreigner.

Power to give effect to orders, directions, etc.

9. (*1*) Any authority empowered by or under or in pursuance of the provisions of this Act to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(*2*) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Act or for preventing or rectifying any breach of such order or direction.

(*3*) The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

Power to delegate authority.

10. Any authority upon which any power to make or give any direction, consent or permission or to do any other act is conferred by this Act or by any order made

thereunder may, unless express provision is made to the contrary, in writing authorise, conditionally or otherwise, any authority subordinate to it to exercise such power on its behalf, and thereupon the said subordinate authority shall, subject to such conditions as may be contained in the authorisation, be deemed to be the authority upon which such power is conferred by or under this Act.

Attempt, etc., to contravene the provisions of the Act, etc.

11. (*1*) Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Act or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Act.

(*2*) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Act or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(*3*) The pilot of any aircraft by means of which any foreigner enters or leaves Mysore in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Act.

Penalties.

12. If any person contravenes the provisions of this Act or of any order made thereunder, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (*f*) of sub-section (*2*) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting court why such penalty should not be paid.

Protection to persons acting under this Act.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application to other laws not barred.

14. The provisions of this Act shall be in addition to and not in derogation of the provisions of the

Registration of Foreigners Act, 1940, and of any other enactment for the time being in force.

Savings.

15. (*1*) Notwithstanding the provisions of section 12 of the Mysore Legislative Council Act, 1923, the Foreigners Ordinance, 1939, as applied to Mysore, shall be deemed to have been in force in Mysore till the coming into force of this Act.

(*2*) All orders made, directions given, things done and action taken under the said Ordinance as applied to Mysore, shall be deemed to have been made, given, done or taken under the provisions of this Act as if this Act had come into force on the 2nd day of September 1939, references to the said Ordinance as applied to Mysore, in any rule made under any enactment shall be construed as references to this Act, and offences committed against or proceedings commenced under the said Ordinance, as applied to Mysore may be punished or may be continued and completed as if such offences were committed against or such proceedings were commenced under this Act.

MIRZA M. ISMAIL,

Dewan.

Order No. P. 6267—Legis. 53-39-1, dated Bangalore, the 16th March 1940.

Ordered that the accompanying Act to provide for the imposition and the payment of duty on gold which received the assent of His Highness the Maharaja, on the 29th day of February 1940, be published as Act No. XVII of 1940 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

ACT No. XVII OF 1940.

THE MYSORE DUTY ON GOLD (EMERGENCY) ACT, 1940.

(An Act to provide for the imposition and the payment of duty on gold.)

(Received the assent of His Highness the Maharaja on the 29th day of February 1940.)

Whereas an emergency has arisen which makes it expedient to impose a duty on gold and to provide for the payment thereof;

Now therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923, it is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Duty on Gold (Emergency) Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

Explanation.—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such

duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may in its discretion think it reasonable to require.

(2) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (1) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (1) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(2) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) the rules may provide for all or any of the following matters, namely:—

(a) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(b) providing for the regulation of the issue of gold out of the premises of gold works;

(c) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(d) providing for the inspection of gold works.

(3) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees.

Provided that the breach of any rule under clause (b) of sub-section (2) shall be punishable with the penalty prescribed in sub-section (2) of section 5.

MIRZA M. ISMAIL,
Dewan.

Regd. No. M.—1175

221

The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY MARCH 16, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 6139—*Legis.* 52-39-1, *dated Bangalore, the 9th March* 1940.

Ordered that the accompanying Act to provide for the imposition of restrictions of foreigners which received the assent of His Highness the Maharaja, on the 2nd day of March 1940, be published as Act No. XVI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XVI OF 1940.

THE MYSORE FOREIGNERS ACT, 1940.

An Act to provide for the imposition of restrictions on foreigners.

(*Received the assent of His Highness the Maharaja on the 2nd day of March* 1940.)

WHEREAS it is expedient to provide for the imposition of restrictions on the entry of foreigners into Mysore, their presence therein and their departure therefrom;

His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this act—

(*a*) "foreigner" has the meaning assigned to it in the Indian Foreigners Act, 1864, except that it does not include—

(i) any subject of His Highness the Maharaja; or

(ii) any ruler or subject of any Indian State; or

(iii) any native of the tribal areas;

(*b*) "prescribed" means prescribed by orders made under this Act;

(*c*) "specified" means specified by directions of a prescribed authority.

Power to make orders.

3. (*1*) The Government may, by order, make provision either generally with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into Mysore or their departure therefrom or their presence or continued presence therein.

(2) In particular, and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner—

(a) shall not enter Mysore, or shall enter Mysore only at such times and by such route and at such place and subject to the observance of such conditions on arrival as may be prescribed;

(b) shall not depart from Mysore, or shall depart only at such times and by such route and from such place and subject to the observance of such conditions on departure as may be prescribed;

(c) shall not remain in Mysore, or in any prescribed area therein;

(d) shall remove himself to, and remain in, such area in Mysore as may be prescribed;

(e) shall comply with such conditions as may be prescribed or specified—

(i) requiring him to reside in a particular place;

(ii) imposing any restrictions on his movements;

(iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

(iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his hand-writing and signature to such authority and at such time and place as may be prescribed or specified;

(v) prohibiting him from association with persons of a prescribed or specified description;

(vi) prohibiting him from engaging in activities of a prescribed or specified description;

(vii) prohibiting him from using or possessing prescribed or specified articles; or

(viii) otherwise regulating his conduct in any such particular as may be prescribed or specified;

(*f*) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions; or

(*g*) shall be arrested and detained or confined;

and may make provision for such incidental and supplementary matters as may, in the opinion of the Government, be expedient or necessary for giving effect to this Act.

Internees.

4. (*1*) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (g) of sub-section (2) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Government may from time to time determine.

(*2*) No person shall—

(*a*) knowingly assist an internee to escape from custody or knowingly harbour an escaped internee; or,

(*b*) give an escaped internee any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee.

(*3*) The Government may, by order, provide for regulating access to, and the conduct of persons in, places in Mysore where internees are detained and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees therein of such articles as may be prescribed.

(*4*) No proceedings shall be taken by virtue of sub-section (2) or sub-section (3) against any person in respect of any act done by him when he is himself an internee.

Change of name.

5. (*1*) No foreigner who was in Mysore on the date on which this Act came into force shall, while in Mysore, after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(*2*) Where, after the date on which this Act came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than

that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub-section (1), be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(3) In relation to any foreigner who, not having been in Mysore on the date on which this Act came into force, thereafter enters Mysore, sub-sections (1) and (2) shall have effect as if for any reference in those sub-sections to the date on which this Act came into force there were substituted a reference to the date on which he first enters Mysore thereafter.

(4) For the purposes of this section—

(a) the expression "name" includes a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(5) Nothing in this section shall apply to the assumption or use—

(a) of any name in pursuance of a Royal Licence or under the orders of His Highness the Maharaja; or

(b) by any married woman, of her husband's name.

Objections on pilots of aircraft.

(6) Any District Magistrate and any Superintendent of Police may, for any purpose connected with the enforcement of this Act or any order made thereunder, enter, with such assistance as he may think fit, any aircraft at any place in Mysore and may—

(a) direct the pilot of the aircraft,

(i) before any passenger disembarks, or before the aircraft leaves such place to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the aircraft commenced its journey, or who have signified their intention of departing from Mysore on board such aircraft, setting out the places at which they embark, the places of their disembarkation or intended disembarkation, and such other particulars as may be prescribed, and

(ii) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of Mysore; and

(*b*) if any foreigner seeking to enter Mysore on board such aircraft does not give satisfactory reasons for entering Mysore, either—

(i) refuse to allow such foreigner to disembark from such aircraft, or

(ii) place him under such restraint as may be prescribed or specified.

Burden of proof.

7. If any question arises with reference to this Act or any order made or direction given thereunder, whether any person is or is not a foreigner, the onus of proving that such person is not a foreigner shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Power to exempt from application of Act.

8. The Government may, by order, declare that any or all of the provisions of this Act, or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, to or in relation to any individual foreigner.

Power to give effect to orders, directions, etc.

9. (*1*) Any authority empowered by or under or in pursuance of the provisions of this Act to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(*2*) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Act or for preventing or rectifying any breach of such order or direction.

(*3*) The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

Power to delegate authority.

10. Any authority upon which any power to make or give any direction, consent or permission or to do any other act is conferred by this Act or by any order made

thereunder may, unless express provision is made to the contrary, in writing authorise, conditionally or otherwise, any authority subordinate to it to exercise such power on its behalf, and thereupon the said subordinate authority shall, subject to such conditions as may be contained in the authorisation, be deemed to be the authority upon which such power is conferred by or under this Act.

Attempt, etc., to contravene the provisions of the Act, etc.

11. (*1*) Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Act or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Act.

(*2*) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Act or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(*3*) The pilot of any aircraft by means of which any foreigner enters or leaves Mysore in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Act.

Penalties.

12. If any person contravenes the provisions of this Act or of any order made thereunder, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (*f*) of sub-section (*2*) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting court why such penalty should not be paid.

Protection to persons acting under this Act.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application to other laws not barred.

14. The provisions of this Act shall be in addition to and not in derogation of the provisions of the

Registration of Foreigners Act, 1940, and of any other enactment for the time being in force.

Savings.

15. (*1*) Notwithstanding the provisions of section 12 of the Mysore Legislative Council Act, 1923, the Foreigners Ordinance, 1939, as applied to Mysore, shall be deemed to have been in force in Mysore till the coming into force of this Act.

(*2*) All orders made, directions given, things done and action taken under the said Ordinance as applied to Mysore, shall be deemed to have been made, given, done or taken under the provisions of this Act as if this Act had come into force on the 2nd day of September 1939, references to the said Ordinance as applied to Mysore, in any rule made under any enactment shall be construed as references to this Act, and offences committed against or proceedings commenced under the said Ordinance, as applied to Mysore may be punished or may be continued and completed as if such offences were committed against or such proceedings were commenced under this Act.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 6267—Legis. 53-39-1, dated Bangalore, the 16th March 1940.

Ordered that the accompanying Act to provide for the imposition and the payment of duty on gold which received the assent of His Highness the Maharaja, on the 29th day of February 1940, be published as Act No. XVII of 1940 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XVII OF 1940.

THE MYSORE DUTY ON GOLD (EMERGENCY) ACT, 1940.

(An Act to provide for the imposition and the payment of duty on gold.)

(Received the assent of His Highness the Maharaja on the 29th day of February 1940.)

Whereas an emergency has arisen which makes it expedient to impose a duty on gold and to provide for the payment thereof;

Now therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923, it is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Duty on Gold (Emergency) Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

Explanation.—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arrear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such

duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may in its discretion think it reasonable to require.

(2) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (1) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (1) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(2) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) the rules may provide for all or any of the following matters, namely:—

(a) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(b) providing for the regulation of the issue of gold out of the premises of gold works;

(c) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(d) providing for the inspection of gold works.

(3) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees.

Provided that the breach of any rule under clause (b) of sub-section (2) shall be punishable with the penalty prescribed in sub-section (2) of section 5.

MIRZA M. ISMAIL,
Dewan.

Regd. No. M.—1175.

231

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 12

BANGALORE, THURSDAY MARCH 21, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 4231—I. & C. 453-39-3, dated Bangalore, the 18th March 1940.

In exercise of the powers vested in them under Section 4 of the Mysore Coffee Husk Control Act, No. II of 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that, from 1st April 1940 onwards, no coffee husk shall be sold or otherwise disposed of unless it is rendered unfit for human consumption by composting it in the manner described hereunder:—

The husk shall be heaped somewhat like road-metal and a cow-dung solution (of about one part of cow-dung to three parts of water) poured on the heap once a week to keep it moist and it shall be turned over for aeration once in 10 or 12 days until it disintegrates into compost in a few weeks.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. L. 7832—*Ml.* 86-39-93, *dated Bangalore, the* 13*th March* 1940.

Under Section 204 of the Town Municipalities Act, 1933, as amended from time to time and the rules framed thereunder, Government are pleased to direct that the following rule be added as rule 36 to the election rules issued with Notification No. L. 1184—Ml. 86-33-1, dated 11th August 1933 for regulating elections in Town Municipalities in the State :—

"36. *Power of the Deputy Commissioner to alter dates.*—The Deputy Commissioner may, for sufficient reasons, enlarge the periods or alter the dates fixed for the several stages of election in the case of any municipality under the foregoing rules."

No. T. 2743—*R. T.* 3-39-21, *dated Bangalore, the* 20*th March* 1940.

The following draft of a rule which the Government propose to make in virtue of the powers vested in them under section 11 of the Mysore Motor Vehicles Act XVI of 1928, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that any objections or suggestions received on or before the 10th April 1940 from any person in respect of the said draft will be considered by Government.

Draft Rule.

The following rule will be added as Rule 80-B to rules regarding Public Service Motor Vehicles published with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 as amended from time to time :—

"80-B. The first aid box in every motor bus should be sent to the Government Industrial and Testing Laboratory once in every year by the bus owners for being overhauled and replenished at their own cost at such time as may be directed by the District Magistrate of the District. Whilst the boxes are sent for being overhauled, relief boxes would be lent to the bus owners

by the District Magistrates out of the stock kept by them. These will have to be returned on return of their own boxes. The boxes should always be kept completely equipped and if at any time any of the contents is used up, they must be replaced immediately.

It should be one of the duties of the Bus Inspectors to see that the boxes are carried in every motor bus in such a manner that they can be easily opened in an emergency and that they always contain all the required articles."

No. P. 6337—*Legis.* 37-39-6, *dated Bangalore, the* 20*th March* 1940.

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to direct that in Notification No. P. 5267—Legis. 37-39-3, dated 3rd February 1940, the following words shall be added at the end, namely—

"except the provisions of sections 14 to 17 (both inclusive) thereof".

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 13

BANGALORE, THURSDAY MARCH 28, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 2802—*R. T.* 3-39-22, *dated Bangaore, the 25th March* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having been already published at page 81, Part IV of the *Mysore Gazette*, dated 29th February 1940, with Notification No. T. 2379—R. T. 3-39-15, dated 22nd February 1940.

Amendment.

Add the following as proviso to Rule 39-A of the aforesaid rules:—

Proviso.—Provided that exemption from the operation of this rule may be granted by the Traffic Board in respect of any lorry whose weight exceeds six tons,

subject to such conditions as it may impose, on the application of the owner of the vehicle giving the following particulars :—

Particulars of vehicle, the maximum laden weight, unladen weight and axle weight of each axle; the number of such vehicles and the roads on which the applicant intends running such vehicle or vehicles.

No. P. 6369—Legis. 37-39-7, dated Bangalore, the 26th March 1940.

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Moneylenders Act, 1939, and in modification of Notification No. P. 5266—Legis. 37-39-2, dated the 3rd February 1940, the Government of His Highness the Maharaja are pleased to direct that the provisions of the said Act excepting the provisions of sections 7 and 8 shall come into force on and from the 1st day of July 1940 instead of from the 1st day of April 1940.

No. P. 6370—Legis. 37-39-8, dated Bangalore, the 26th March 1940.

In exercise of the powers conferred by section 24 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to make the following amendments to the Mysore Moneylenders Rules, 1940 :—

1. In sub-rule (2) of rule 1, for the words and figures, "the 1st day of April 1940", the words and figures, "the 1st day of July 1940" shall be substituted.
2. For Form VII of the Schedule to the Rules, the Form annexed hereto shall be substituted.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

FORM VII.

(SEE RULE 26.)

FORM OF ACCOUNTS OF A MONEYLENDER.

(To be maintained under section 9 of the Mysore Moneylenders Act, 1939.)

Account of.....(name of debtor).....son of.....Caste .....
Residence.....

Full and detailed description of articles or of each of articles pawned. (Only in the case of pawnbrokers).

Time agreed upon for redemption of the pawn. (Only in the case of pawnbrokers).

Name and address of owner of article pawned. (Only in the case of pawnbrokers, and where the pawner is not the owner of the article pawned.)

Amount advanced.

Date of { advance. / entry.

Rate of interest.

Amount of interest charged.

Particulars of repayment	Date	Appropriation	
		Principal	Interest

	Principal	Interest	Total
*Balance on 31st December.....			
.....			
.....			
*Balance on.....			
....			

*The Balance on the 31st December of every year when there is any balance and on the dates when a statement of account is furnished under Section 11 (1) of the Act should be indicated in these columns.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

237

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 14

BANGALORE, THURSDAY APRIL 4, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 3653—*Ex.* 12-39-22, *dated Bangalore,*
15*th December* 1939.

In exercise of the powers conferred by Section 17 of the Matches (Excise duty) Act, 1934, (III of 1934) and in supersession of the Matches (Excise duty) Supplementary Order 1938, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules for purposes of regulating the issue of matches out of the premises of a manufactory situated in the State and of controlling the use of splints and veneers in the manufacture of matches.

By Order,
P. H. KRISHNA RAO,
Secretary to Government,
Development Department.

CHAPTER 1.

1. *Short title, commencement and definitions.*— (1) These rules may be called "The Mysore Matches (Excise Duty) Supplementary Rules, 1939."

(2) They shall come into force on the first day of the month following the month in which these rules are published.

2. In these rules unless there is anything repugnant in the subject or context—

(i) "the Act" means the Matches (Excise Duty) Act, 1934 (III of 1934);

(ii) "the Rules" means the Matches (Excise Duty) Rules, 1934;

(iii) "Deputy Commissioner" means the Chief Officer in charge of the Revenue Administration of a district and includes any officer specially authorized to exercise throughout any specified area all or any of the powers of a Deputy Commissioner under these rules;

(iv) "Inspector" means the Inspector of the Excise Department in charge of a Range in which the manufactory is situated;

(v) "Supervising Officer" means an officer appointed by the Deputy Commissioner to exercise the powers and perform the duties of Supervising Officer under these rules;

(vi) "Peon" means a subordinate of the Mysore Excise Department appointed to guard the premises and to prevent the removal of splints, veneers, matches and banderols contrary to these rules;

(vii) "Form" means a form set out in the schedule appended to these rules:

Provided that "Form A" and "Form B" shall mean Form A and Form B appended to these rules;

(viii) "Bonded warehouse" means a compartment or room of the manufactory or a separate place where finished matches are stored pending their removal for consumption subject to the payment of duty under clause 8 of Chapter II or clause 39 or clause 44 of Chapter VI of the rules;

(ix) "Booklet" means a folding or collapsible packet in the form of a book containing matches;

(x) "Case" means a packed box containing a number of gross packets of boxes or booklets containing matches;

(xi) "Duty" means the duty payable under the Act;

(xii) "License" means a license in Form A granted for the manufacture of matches under clause 3 of the rules;

(xiii) "Licensee" means any person, firm or company, holding a license in Form A and includes any agent or other person acting on his or its behalf;

(xiv) "Manufacturing or finishing room" means a room or rooms or a compartment or compartments set apart in the manufactory where matches in the finishing or finished stage, before banderols are affixed to them, are stored during the absence of the Supervising Officer or at such other times as may be necessary to prevent the illicit removal of matches from the manufactory;

(xv) "Manufactory" means a manufactory as defined in the Act, working under a license in Form A appended to the rules and under bonded control and subject to the supervision of the Mysore Excise Department;

(xvi) "Packet" means a packed or wrapped parcel containing a number of gross of boxes or booklets with matches;

(xvii) "Premises" means the premises of the manufactory described in the schedule attached to the license in Form A appended to the rules and includes the bonded warehouse.

CHAPTER II.

3. (1) *Issue of license and licensed premises.*—An owner of a manufactory who intends to apply for or has obtained a license under section 9 of the Act shall apply to the Deputy Commissioner for the appointment of a bonded warehouse or warehouses wherein the matches manufactured on the licensed premises shall be stored for issue.

(2) The Deputy Commissioner shall on receipt of such application cause enquiries to be made regarding the suitability or otherwise of a godown or other premises designated for use as a bonded warehouse and on being

satisfied that it is suitable, appoint such godown or other premises, as the case may be, as a bonded warehouse.

(3) The room in which dipped splints in frames are allowed to dry shall also, if this process is not conducted in the manufactory or finishing room, be approved by the Deputy Commissioner before being used for this purpose.

4. Both the dipping room and the bonded warehouse shall be secured with a strong Government lock, the key of which shall be in the custody of the Supervising Officer and the rooms shall be opened as and when required for transactions. These rooms may also be secured by locks of the licensee provided that he shall remove the locks and open the rooms as and when required by the Supervising Officer or any other Inspecting Officer, at any time during day or night.

5. Every manufactory and the bonded warehouse attached to it shall be closed on 'close holidays' and shall be open on other days, during such hours and under such conditions as may be fixed by the Deputy Commissioner. The Deputy Commissioner may however permit work or transactions to take place in the manufactory or bonded warehouse outside the regular working hours of the factory or on close holidays, subject to the payment of overtime fees at such rates as he may fix by special or general order or by a rule made under any provision contained in these rules.

Explanation.—"Close holidays" means Sundays, New Year's Day, Good Friday, the King-Emperor's Birthday, His Highness the Maharaja's Birthday and Christmas Day.

6. Subject to the conditions in clauses 4 and 5, the lock on the bonded warehouse shall be removed only for receipts and issues, inspection by an inspecting officer, and for any other purposes which may be permitted by the Deputy Commissioner. The lock shall be reapplied immediately after accomplishment of the purpose for which the warehouse was opened.

7. When no transactions are proceeding the entrance to every manufactory or finishing room shall be secured with a strong Government lock if so required by the Deputy Commissioner and not otherwise; and if the licensee so desires, the entrance may also be secured with his lock. The key of the Government lock shall be in

the custody of the Supervising Officer. The licensee shall remove his lock as and when required by the Supervising Officer.

CHAPTER III.

8. *Banderols.*—All banderols shall be obtained by the licensee or his agent from a Government Treasury. The Treasury Officer shall whether they are supplied for cash or on credit, seal them with the Treasury seal and the licensee or his agent shall deliver them without delay to the Supervising Officer who shall deposit them in the bonded warehouse or in a room specially set apart for the storage of banderols which shall be secured by a Government lock, the key of which shall remain in his custody and shall enter the receipt in Form M. E. 1. He shall there after permit them to be taken for use in the manufactory as and when required, during working hours.

9. (1) When the licensee desires to purchase banderols for cash, he shall present to the Treasury Officer an indent in Form M. E. 5 countersigned by the Supervising Officer, and a challan in triplicate, containing particulars of the number and class of banderols required and the cost price of each group, less rebate if any, allowed on a rebate certificate. The Treasury Officer after complying with the indent shall retain the original of the challan with him, return the duplicate to the licensee, and send the triplicate to the Supervising Officer who shall file it in support of the entry of receipt in the M. E. 1 register, after sending copies to the Inspector and Deputy Commissioner.

(2) When the licensee desires to purchase banderols on credit subject to the condition in clause 10 he shall present a requisition in Form M. E. 6 to the Supervising Officer who, after scrutinising the requirements in detail, with reference to the security furnished as required by clause 10 and the outstanding credit balance shall pass the indent for supply to such extent as may be permissible under clause 11 and give it to the licensee who shall present it to the Treasury Officer. The Treasury Officer shall after complying with the requisition, whether in whole or in part, advise the Supervising Officer as to the number and class of banderols issued and the price to be recovered from the licensee. The Supervising Officer shall enter the receipt of the banderols in the M. E. 1.

register, and shall send copies of the Treasury Officer's advice note to the Inspector and Deputy Commissioner.

10. A licensee who desires to obtain banderols on credit under clause 46 of the rules shall execute a trust receipt and furnish to the Deputy Commissioner a security bond in such form as may be prescribed by the Deputy Commissioner for adoption either generally or in the particular case, to the satisfaction of the Deputy Commissioner.

Provided that if the licensee is unable to furnish sureties to the satisfaction of the Deputy Commissioner he shall deposit with him cash, Government Promissory Notes, Savings Bank Deposit assigned to the Deputy Commissioner or Post Office Cash Certificates of sufficient value to cover the value of the banderols to be supplied on credit from time to time. If Government Promissory Notes are deposited, their face value shall exceed by not less than ten per cent the value of banderols to be supplied from time to time. Alternatively he may mortgage to Government the match factory and plant and all accessories therein. If the estimated value of the manufactory with its plant and all its accessories is not sufficient to cover the value of the banderols required on credit, he shall, in addition furnish sureties or security as aforesaid, for such amount as may fixed by the Deputy Commissioner.

11. After compliance with the conditions in clause 10 the Deputy Commissioner shall, authorize the supply of banderols on credit to the licensee and shall communicate to the Treasury Officer and the Supervising Officer full particulars of the securities deposited, and the extent of credit granted. The price of banderols supplied on credit excluding the price of banderols affixed to boxes kept in the bonded warehouse shall not at any time exceed the amount of security furnished by the licensee. The number of banderols to be supplied at a time shall not exceed the average output of the manufactory for one week if application is made once a week, for three days if it is made twice a week and for two days if it is made three times a week. Banderols shall not be supplied on credit oftener than three times a week.

12. When banderols are issued on credit for the first time, the Treasury Officer shall advise the Supervising Officer of the number and class of banderols issued and their price, and shall thereafter notify him of all subse-

quent issues and their price and of the amounts paid by the licensee towards the price of the banderols, from time to time.

13. The licensee shall submit to the Inspector through the Supervising Officer on or before the 5th day of each month a statement, for the preceding month showing—

(*i*) the number of banderols in hand on the first day of the month ;
(*ii*) the number received during the month ;
(*iii*) the number used during the month ;
(*iv*) the number rendered unserviceable, and
(*v*) the balance on hand on the last day of the month.

The Inspector shall check the statements and forward them to the Deputy Commissioner after taking necessary extracts.

Banderols purchased for cash shall be entered separately from those purchased on credit.

14. Banderols purchased for cash and those purchased on credit shall be kept in separate lots in the bonded warehouse or other room set apart for the purpose and shall be accounted for separately in the M.E. 1 Register. The Supervising Officer shall write the word 'credit' in red ink on the packets containing banderols purchased on credit.

15. A licensee wishing to claim refund or write off of the purchased price of such of the banderols as have been damaged by accident and rendered unfit for use shall deliver them each day to the Supervising Officer who shall make immediate enquiries and on being satisfied that the banderols in question have not been used previously on a box or booklet issued from any manufactory and that the figures '1', '2', '4', '6' or '8' occurring in the figures '12', '20', '40', '60' or '80' printed on the banderols to indicate the class thereof, have not been damaged or torn, accept them from the licensee, deposit them in the bonded warehouse or room set apart for the storage of banderols and enter them under that date in the appropriate column of the M. E. 1 register. If the figure '1', '2', '4', '6' or '8' aforesaid is defaced or torn, the delivery of the banderols shall not be accepted and the refund or write off of their price shall not be granted.

The licensee's application for refund or write off in respect of banderols which were accepted as damaged shall be sent to the Inspector once a month together with the banderols in question and a certificate of the supervising officer that they have not been previously used. The Inspector shall examine the banderols, forward the application with his remarks to the Deputy Commissioner who will pass orders on the application after further scrutiny.

16. Refund or write off of the price of banderols affixed to boxes of matches which become unserviceable and are destroyed within the Manufactory under the orders of the Deputy Commissioner will similarly be granted, if the licensee's application is supported by a certificate from the Supervising Officer that the matches have been destroyed under his supervision.

When the Deputy Commissioner sanctions a refund under this clause or clause 15, the licensee may encash the refund voucher at the Treasury or have the amount set off against further purchases of banderols.

16-A. After orders have been passed by the Deputy Commissioner on the refund application, all damaged and unserviceable banderols shall be destroyed in the presence of the Inspector irrespective of whether a refund of their purchase price has been granted by the Deputy Commissioner or not.

CHAPTER IV.

17. *Transfer of matches from the finishing room of the Manufactory to the bonded warehouse.*—The packing of matches into boxes or booklets and the affixture of banderols thereto, shall be done only during such hours and under such conditions as may be fixed by the Deputy Commissioner under clause 5. The packing of boxes or booklets into packets and of packets into cases shall be done only in the finishing room and in the presence of the Supervising Officer, after the boxes or booklets have been banderolled in accordance with the Act and the Rules.

18. The Supervising Officer shall see that the banderols are properly affixed to boxes or booklets so that they cannot be opened without tearing the banderols, and shall check the contents of each case, package or packet and the number of matches contained in atleast one box in every 10 gross of boxes before they are banderolled.

19. No packet or case containing boxes or booklets of matches shall be closed and reckoned as a unit unless a banderol of the appropriate class has been affixed to each box or booklet in the manner laid down in Chapter VI of the rules and in accordance with the Government Notification No. D. 1390—I & C 265-33-33, dated 25th August 1934.

20. After each case or packet is closed, the Supervising Officer shall endorse or impress thereon with a rubber stamp the word 'checked' and sign and date the endorsement.

21. Each case or packet shall contain only an integral number (whether one or more than one) of gross of boxes or booklets of matches. The boxes or booklets in each case or packet shall contain the same number of matches on the average and shall, except in the case of matches exempted from bearing banderols, bear banderols of the same class.

22. Cases, or packets of each class of matches shall be marked with separate consecutive numbers and the number of gross of boxes contained in each case or packet.

Cases, or packets containing boxes or booklets of classes 1, 2, or 3 as specified in sub-rule 2 of rule 40 of the rules shall be distinguished by the letters 'A', 'B,' and 'C', respectively.

23. All boxes or booklets containing matches intended for export and on which no banderols have been affixed, and all loose matches to be exported shall, before they are removed to the bonded warehouse, be packed into cases, or packets on which shall be pasted labels bearing the inscription "UNBANDEROLLED MATCHES FOR EXPORT."

24. No case, packet, box or booklet, containing matches and no loose matches shall be removed to the bonded warehouse except with the permission of the Supervising Officer. Before removal the licensee shall present to the Supervising Officer an application in duplicate, in Form M. E. 3. All such applications shall be numbered consecutively.

25. On the arrival of the matches at the bonded warehouse, the Supervising Officer shall, after checking the goods against the particulars shown in the application, make the necessary entries in Form M. E. 1. He shall

endorse on one copy of the application in Form M. E. 3 the words 'checked and admitted' over his signature and date and return it to the licensee and file the duplicate copy after endorsing the words 'taken into account' over his signature and date.

26. If the Supervising Officer is in doubt as to whether banderols have been affixed or whether boxes or booklets contain the proper number of matches or whether cases or packets contain the proper number of boxes or booklets, he shall require the licensee to open the case, packet, box or booklet, and shall examine it in the presence of the licensee or any authorized agent or servant acting on his behalf. In the event of any discrepancy between the actual contents of a case, packet, box or booklet and the details as entered in the application, he shall seal the case, packet, box or booklet with his private seal, and deposit it in the bonded warehouse and shall submit a report immediately to the Inspector. The Inspector after due investigation, shall take such action as may be necessary under the Act or the rules.

27. Separate compartments or separate divisions in the same compartment shall be allotted in the bonded warehouse for—

(1) cases or packets containing boxes or booklets of matches bearing banderols purchased for cash ;

(2) cases, or packets containing boxes or booklets of matches bearing banderols purchased on credit;

(3) cases, or packets of unbanderolled matches intended for export; and

(4) unbanderolled matches to be banderolled subsequently.

Each class of matches shall be stored separately, and cases or packets of different sizes shall be stocked according to their contents so as to facilitate inspection and check at, and issue from, the bonded warehouse.

28. Matches may, under the supervision of the Supervising Officer, be removed from the bonded warehouse to the manufactory or finishing room for reconditioning provided that the licensee shall not claim a refund of the cost of banderols destroyed in opening the boxes or booklets for this purpose. All matches so removed shall be entered in the appropriate column of the M. E. 1 register with the remark that matches have been issued to be reconditioned.

CHAPTER V.

29. No matches shall be issued out of the bonded warehouse except under an application in Form M. E. 4 countersigned by the Supervising Officer.

30. Every application for the removal from the bonded warehouse of unbanderolled matches for being banderolled or of banderolled or unbanderolled matches for clearance from the factory shall be presented to the Supervising Officer at least one hour before the removal is desired to take place. The application shall be in duplicate in the case of removal of unbanderolled. Matches for being banderolled, in triplicate in the case of removal for inland consumption, and in quadruplicate, in the case of removal for export outside India. The name of the consignee shall be entered when the matches are to be cleared from the factory.

31. (1) Every application for the removal of banderolled matches shall be accompanied by a treasury receipt showing that the price of banderols has been paid. When the receipt relates to a greater number of banderols than are affixed to the boxes or booklets in the consignment to be removed, the Supervising Officer shall endorse on the obverse of the receipt—

(*a*) the serial number of the cases, and packets and the date of removal;

(*b*) the average number of matches contained in each box or booklet; and

(*c*) the number and class of banderols contained in the consignment.

Similar endorsements will be made on subsequent production of the receipt until all the banderols to which it relates have been affixed to boxes or booklets and cleared from the factory.

(2) The treasury receipt shall be despatched to the Deputy Commissioner through the Inspector with a copy of the application in Form M. E. 4 checked and countersigned by the Supervising Officer and the peon at the gate on the date of issue, provided that when the banderols covered by the receipt are not utilised on a single consignment, it shall be retained and sent to the Deputy Commissioner together with all the relative applications in M. E. 3-B as soon as the last lot is cleared from the factory.

32. (1) On receipt of an application in Form M. E. 4 the Supervising Officer shall check the particulars and shall sign, in all the copies, the order permitting issue from the factory.

(2) When unbanderolled matches are to be removed for being banderolled, the Supervising Officer shall retain the original application and shall return the duplicate to the licensee.

(3) In the case of removal of matches for inland consumption, the original application shall be retained by the Supervising Officer; the duplicate shall accompany the consignment and be delivered to the peon on guard at the gate; and the triplicate shall be given to the licensee for despatch with the consignment to its destination. The peon on guard at the gate shall satisfy himself that the number of cases, or packets in the consignment is the same as that entered in the permit before allowing it to pass through the gate. He shall then return the duplicate application to the Supervising Officer after endorsing it in token of his having checked and passed the consignment. If he finds any difference between the number of cases or packets of matches in the consignment or the number of packets of matches in the consignment or the number of packets in each case as marked on it and the number shown in the permit, he shall detain the consignment and report to the Supervising Officer who shall immediately check the consignment, and if he finds any case, or packet, or cases or packets in excess he shall take such action as is prescribed under the Act or the rules or obtain the orders of the Deputy Commissioner who, if he thinks necessary, shall refer the matter to Government.

(4) When matches are removed for export out of India the original application shall be retained by the Supervising Officer; the duplicate shall be delivered to the peon at the gate; the triplicate shall accompany the consignment to its destination; and the quadruplicate shall be delivered to the licensee who shall in the case of export by land produce it before the Officer in charge of the Land Customs Station (Chowkie) or such verifying officer as may be prescribed by rule or order. He shall obtain on it an endorsement from the aforesaid officer that the consignment has passed out of the limits of the Mysore State and shall return the application so endorsed to the Supervising Officer within six days from the

removal of the matches from the factory. The latter shall send it to the Deputy Commissioner through the Inspector, together with the licensee's application for refund of duty paid, if any.

33. When it is desired to remove boxes or booklets of matches bearing banderols purchased on credit; the licensee shall, if he has paid for the banderols, attach the relative treasury receipt and the Supervising Officer shall proceed as laid down in clause 31 and sub-clause (1) of clause 32.

If the price of the banderols has not been paid, the Supervising Officer shall, before countersigning the application, satisfy himself by scrutiny of the Treasury Officer's certificate that the price is fully covered by the credit outstanding in favour of the licensee.

In other respects, the applications shall be dealt with as prescribed in clauses 29 to 32.

CHAPTER VI.

ACCOUNTS.

34. The Supervising Officer shall maintain daily and monthly accounts in Forms M. E. 1 and M. E. 2, respectively. Separate registers in Form M. E. 1 shall be maintained for each class of matches specified in Sub-Rule 2 of Rule 40 of the Rules.

35. The Supervising Officer shall check daily the matches manufacture account maintained by the licensee under condition IV of the conditions in Form A, and shall initial it in token of having checked it.

36. The monthly return in Form B prescribed under clause 7 of the rules shall be submitted to the Deputy Commissioner through the Supervising Officer. The latter shall check the entries in the return with the monthly totals entered in the M. E. 2 Register and if they agree shall submit the return together with an extract of the totals in the M.E. 2 Register to the Deputy Commissioner through the Inspector after endorsing the return to the effect that it has been checked and found correct. If the return does not agree with the M. E. 2 Register, he shall return it to the licensee for reconciliation and if the latter is unable to reconcile the entries so as to bring them into agreement with those recorded in the M.E. 2 Register, the

Supervising Officer shall report the matter to the Deputy Commissioner for orders.

37. All accounts of banderols (whole and damaged) and matches kept in the manufactory and bonded warehouse shall be in gross and singles.

CHAPTER VII.

SPLINTS AND VENEERS

38. Splints and veneers whether manufactured under a license in Form A or C or obtained from the holder of a license in Form C, D or E or Form an A licensee permitted to supply other A licensees, shall be stored in a room or rooms or compartment or compartments set apart for the purpose in the manufactory and approved by the Deputy Commissioner.

39. Every such room or compartment shall be locked by the Supervising Officer of the factory and the licensee may also secure it with a lock of his own. It shall be open to inspection by an inspecting officer at any time.

40. No splints or veneers shall be stored or issued except in the presence of the Supervising Officer who shall weigh the splints and count the veneers before receipt into the room or compartment or issue therefrom. He shall enter all such receipts and issues in a register in Form M.E. 7 and at the end of each month shall record the totals for the month and the progressive totals upto the month immediately below the entries relating to the last day of the month.

41. Where splints and veneers are obtained from the holder of a license in Form C, D or E or from an A licensee permitted to supply other A licensees, indents shall be prepared in duplicate and shall be countersigned by the Supervising Officer. The supplier shall return one copy to the Supervising Officer with the endorsement "complied with" or stating the quantities actually supplied if the indent has not been complied with in full. The Supervising Officer shall check the quantities received and if they are correct shall file the copy of the indent. If there is discrepancy between the quantities reported by the supplier and the actual quantities received and the discrepancy is not satisfactorily explained he shall report to the Inspector who shall investigate the matter.

42. All damaged splints and veneers shall be destroyed in the presence of the Supervising Officer who shall enter the weight of the splints and the number of veneers so destroyed in the appropriate columns in Form M.E. 7.

CHAPTER VIII.

GENERAL.

43. If there are two or more exits from a bonded warehouse or manufactory, matches shall be removed therefrom only through the main gate where a peon shall be posted on guard duty.

44. All the gates in the manufactory shall be locked by the licensee before sunset or if the work in the premises ceases earlier, immediately after the cessation of work, and the licensee shall hold the keys in his possession. If he desires access to the premises in cases of emergency, he shall open only the lock on the main gate and he shall re-lock it when he has finished his business in the premises.

45. No matches shall be removed from the manufactory or bonded warehouse except in accordance with the directions contained in these rules.

If any matches are removed by any employee from a manufactory in contravention of the conditions hereinbefore prescribed, the licensee shall be held responsible for such removal and be liable to be dealt with according to the provisions of the Act, of the rules and of rules and orders made under the Act or the rules as if he had removed the matches himself.

46. Persons coming into, or going out of, the manufactory or bonded warehouse as well as articles brought thereinto, or sent out therefrom, shall be liable to be searched or examined by the peon on guard at the main gate.

47. The licensee shall, if so required by the Deputy Commissioner, provide at the main gate of the manufactory a small shed suitable for the accommodation of the peon on guard there.

48. The licensee shall submit his sales registers for scrutiny whenever so required by an Inspecting Officer.

49. The licensee and his agents and servants shall carry out all orders issued by the Supervising Officer or his assistant in the due performance of his duty under the Act, the rules and the provisions contained in these rules.

50. The licensee and his agents and servants shall comply with all orderss issued by the Deputy Commissioner or Inspector for carrying out the provisions contained in these rules and to facilitate their enforcement.

51. The Government may, by a special order, exempt any manufactory or bonded warehouse from the operation of any provision contained in these rules.

FORM M. E. 1.

(Vide *clauses 8, 9, 14, 15, 25, 28 and 34.*)

REGISTER OF BANDEROLS, MATCHES MANUFACTURED AND ISSUED.

CLASS. Name of the Manufactory. Place.

Date	*Banderols.*														
	Purchased for cash							Purchased for credit							
	Opening balance	No. and date of Treasury receipt	Quantity received from Treasury	Total of columns 2 and 4	Quantity issued for use	Quantity damaged and rendered unserviceable	Closing balance	Value of banderols in stock (including those affixed to boxes in the bonded warehouse)	Value of banderols received from the Treasury	Total of columns 9 and 10	No. and date of Treasury receipt	Duty remitted by licensee	Remission granted on damaged banderols	Balance to be recovered from licensee	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
	Gr. s.		Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	

Unbanderolled matches.							*Banderolled matches.*								Remarks
Opening balance	Quantity manufactured and removed to bonded warehouse	Total of columns 16 and 17	Quantity removed for banderolling	Quantity removed for export	Quantity destroyed or sent for reconditioning	Closing balance	Opening balance	Quantity banderolled	Total of columns 23 and 24	Quantity cleared for inland consumption	Quantity destroyed or sent for reconditioning	Quantity cleared for exports	Duty to be refunded on quantity exported	Closing balance	
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Rs. a. p.	Gr. s.	

N.B.—Separate registers shall be maintained for each class of banderols.

FORM M. E. 2.

(Vide *clauses 34 and 36.*)

MONTHLY ACCOUNT OF MATCH BOXES RECEIVED FROM THE MANUFACTORY AT THE BONDED WAREHOUSE AND OF THOSE REMOVED FROM THE BONDED WAREHOUSE.

Name of the Manufactory..... Place.....

Month	*Opening balance*					*Receipts*						*Issues*							*Closing balance*					
	Class					No. of Transport Permit	Class					No. of Transport Permit	Class					Duty	Class					Remarks
	I	II	III	IV	V		I	II	III	IV	V		I	II	III	IV	V		I	II	III	IV	V	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s		Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.		Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Rs.a.p.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	Gr. s.	
July ...																								
August .																								
September.																								
October ...																								
November.																								
December.																								
January ...																								
February.																								
March ...																								
April ...																								
May ...																								
June ...																								

N.B.—1. Class refers to the classes of boxes specified in sub-clause (2) of clause 42 of the Matches (Excise Duty) Order, 1934.

2. Only matches removed from the factory and those destroyed within the factory shall be shown under "issues". A note in the 'remarks' column should indicate separately the quantity exported out of British India and also the number of boxes destroyed as unserviceable.

FORM M. E. 3.

(Vide *clauses 24 and 25.*)

APPLICATION FOR REMOVAL OF $\frac{\text{BANDEROLLED}}{\text{UNBANDEROLLED}}$ MATCHES FROM THE MANUFACTURING STORE TO THE BONDED WAREHOUSE OF..... MANUFACTORY.

No. Date 19 .

To

THE SUPERVISING OFFICER,

.....Manufactory.

SIR,

Please permit me to remove from the manufacturing store to the bonded warehouse, matches as detailed below :—

	Class.		
	1	2	3
Number of cases or packets			
Number of gross boxes in each case or packet			
Loose match boxes			
Total in grosses and singles			

Licence holder.

The case or packets bear the following serial numbers : —

.....

.....

.....

Checked and admitted
Taken into account.

Date 19 . *Supervising Officer.*

NOTE.—(1) 'Class' refers to the classes of boxes specified in sub-clause (2) of clause 42 of the Matches (Excise Duty) Order, 1934.

(2) Separate applications shall be made for banderolled and unbanderolled matches.

FORM M. E. 4.

[Vide *clauses 29, 30, 31(2), 32 and 33.*]

APPLICATION FOR REMOVAL OF $\frac{\text{BANDEROLLED}}{\text{UNBANDEROLLED}}$ MATCHES FROM THE BONDED WAREHOUSE OF

No. Date 19

To

THE SUPERVISING OFFICER,

Manufactory.

SIR,

Please permit me to remove for $\frac{\text{inland consumption}}{\text{export}}$ $\frac{}{\text{banderolling}}$ matches in accordance with the particulars given below :—

	Class.		
	1	2	3
*1. Name and address of the consignee			
*2. Place of booking by rail or port of shipment where the removal is for export			
*3. Number of cases or packets			
*4. Number of gross boxes in each case or packet.			
5. Loose match boxes			
6. Total number in gross and singles			

RS. A. P.

*Duty paid

*Treasury receipt No. , dated of Treasury.

License holder.

*The cases or packets bear the following serial Nos. :—

Permitted.

Supervising Officer.

Date

*Checked and passed.

Date

Peon on guard duty.

NOTE.—(*i*) Particulars marked with * need not be given in cases of removal of unbanderolled matches for banderolling.

NOTE.—(*ii*) Class refers to the classes of boxes specified in clause (2) of clause 42 of the Matches (Excise Duty) Order, 1934.

NOTE.—(*iii*) The form should be in duplicate in the case of removal of unbanderolled matches for banderolling, in triplicate in the case of removal for inland consumption and in quadruplicate in the case of removal for export.

FORM M. E. 5.

[Vide *clause 9 (1)*.]

INDENT FOR THE PURCHASE OF BANDEROLS FOR CASH (IN TRIPLICATE).

To

THE TREASURY OFFICER,

Sir,

Please supply me/us with banderols of the following denominations for use at my/our match manufactory:—

Date	Class of banderols	No. of gross required	Rate per gross (excluding rebate, if any)			Value		
			Rs.	A.	P.	Rs.	A.	P.
	Class 1 . .							
	Class 2 . .							
	Class 3 . .							
	Class 4 . .							
	Class 5 . .							
			Total cost . .					

The chalan for the amount is forwarded herewith in triplicate.

Licensee.
Date

1. This indent may be complied with. The factory is not a cottage factory.

2. The rebate certificate granted by the Deputy Commissioner in his No. dated , is enclosed.

Supervising Officer,
Date

N.B.—The word 'not' will be deleted in the case of cottage factories and paragraph 2 in the case of factories for which a rebate certificate has not been granted.

No. Date

Returned to the license after compliance, together with the duplicate copy of the challan.

Treasury Officer,
Date

No. Date

Copy together with a copy of the challan forwarded to the Supervisin Officer, manufactory

Treasury Officer,
Date

FORM M. E. 6.

[Vide *clause 9 (2)*.]

REQUISITION FOR THE SUPPLY OF BANDEROLS ON CREDIT

Date 19 .

To

THE SUPERVISING OFFICER,

Manufactory.

Sir,

I/we have this day in my/our possession the undermentioned quantity of banderols :—

Class of banderols	Quantity		Value		
	Grosses	Singles	Rs.	A.	P.
Class 1					
Class 2					
Class 3					
Class 4					
Class 5					
		Total .			

2. Please ask the Treasury Officer to supply me/us with banderols of the following classes on credit for use at my/our manufactory :—

Date	Class of banderols	Number of grosses required	Value		
			Rs.	A.	P.
	Class 1 . . .				
	Class 2 . . .				
	Class 3 . . .				
	Class 4 . . .				
	Class 5 . . .				
		Total .			

No. *Licensee.*

Forwarded to the Treasury Officer.

2. The quantities of banderols indented for are covered by the licensee's deposit and may be issued on credit.

Supervising Officer.

FORM M. E. 7.

(Vide *clauses 40 and 42.*)

DAILY REGISTER OF SPLINTS AND VENEERS STORED AND ISSUED AT THE

Date	Opening balance		Manufactured or imported or obtained from other licensees		Source of supply	Total		Issues						Balance		Rendered unserviceable (destroyed or to be destroyed)		Remarks
								For framing and making into boxes within the factory		For framing and making into boxes outside the factory		For use by other A licensees						
	Mds. Srs. Splints	Gr. D. Veneers	Mds. Srs. Splints	Gr. D. Veneers		Mds. Srs. Splints	Gr. D. Veneers	Mds. Srs. Splints	Gr. D. Veneers	Mds. Srs. Splints	Gr. D. Veneers	Mds. Srs. Splints	Gr. D. Veneers	Mds. Srs. Splints	Gr. D. Veneers	Mds. Srs. Splints	Gr. D. Veneers	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

No. T. 2876—*R. T.* 3-39-24, *dated Bangalore, the 29th March* 1940.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act 1928, to the Mysore Motor Vehicles Rules 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 25th April 1940 will be considered by Government.

Draft Amendment.

For the existing rule 21(3) of the Mysore Motor Vehicles Rules 1924, as amended from time to time, substitute the following :—

"21(3). The driver of a motor vehicle shall, when approaching an intersection of roads, drive slowly, and shall, unless otherwise directed by a Police Officer in charge of the regulation of traffic, or by a notice board erected at or near such intersection of roads, give way to the vehicles approaching from his right."

No. L. 8354—*Ml.* 161-39-2, *dated Bangalore, the 1st April* 1940.

Government are pleased to direct that the following Note be added to Rule 53 of the revised rules issued under Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939, for regulating Water Supply in Bangalore City :—

Note.

"Cheques drawn on local Banks, such as the Imperial Bank of India, Mysore Bank, Co-operative Banks and Societies, shall be accepted; but no cheque shall be accepted for sums less than Re. 1 which shall be paid only in cash.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175

261

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 15

BANGALORE, THURSDAY APRIL 11, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 4499—*I. & C.* 493-39-2, *dated Bangalore, the 4th April* 1940.

In exercise of the powers vested in them under Section 3 of the Mysore Weights and Measures Act, No. III of 1902, as amended by Act IX of 1927, the Government of His Highness the Maharaja of Mysore are pleased to direct that only certified weights and measures of capacity shall be used in all dealings and contracts within the limits of the following shandy areas in the Tumkur District with effect from the 1st April 1940:—

1. Sira.
2. Kunigal.
3. Madhugiri.

By Order,

C. E. NORONHA,

Secretary to Government,

Development Department.

No. G. 8612—P. H. 48-39-16, dated Bangalore, 6th April 1940.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to make the rules issued with Government Notification No. G. 2463—Sany. 61-31-7, dated 2nd September 1931, (annexed hereto) applicable to Sagar Town.

By Order,
C. E. NORONHA,
Secretary to Government,
Development Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (b).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (c).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of

food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (d).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (e).—

6. The standards of purity prescribed for milk cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for

the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for dirt in Milk.—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (f).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (g) —

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall

measure at least 2″ × 4″ where only Kannada is used or at least 4″ × 4″ where more than one language is employed.

Section 20 (h).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

No. P. 6544—*Legis.* 19-39-13, *dated Bangalore, 2nd April* 1940.

In exercise of the powers conferred by Section 3 of the Mysore Foreigners Act, 1940, the Government of His Highness the Maharaja are pleased to declare that all Foreigners Orders from time to time issued in British India under the Foreigners Act, 1940, (Act No. II of 1940), shall apply to Mysore *mutatis mutandis.*

No. P. 6545—*Legis.* 19-39-14, *dated Bangalore, the 2nd April* 1940.

The following Notifications of the Government of India making certain amendments to the Enemy Foreigners Order, 1939, is republished for general information.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

HOME DEPARTMENT.

Notification.

POLITICAL (W)

the 20th February 1940.

No. 62/2/40.—In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, the Central Government is pleased to direct that the following further amendment shall be made in the Enemy Foreigners Order, 1939, namely:—

In clause (*b*) of sub-paragraph (2) of paragraph 3-A of the said Order, for the letters and figures "Rs. 1,500," the following shall be substituted, namely—

"Rs. 150, with the addition thereto of Rs. 50 in respect of each child travelling with the enemy foreigner."

H. J. Frampton,
Deputy Secretary to the
Government of India.

the 29th February 1940.

No. 62/10/40.—In exercise of the powers conferred by Section 3 of the Foreigners Act (II of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the Enemy Foreigners Order, 1939, namely,—

For paragraph 3 of the said Order the following paragraph shall be substituted, namely :—

Restrictions on departure from British India.

"3 (1) No enemy foreigner shall depart from British India for a destination outside India except in accordance with the conditions of a permit issued—

(*a*) in relation to an enemy foreigner of the male sex who has attained the age of sixteen years, by the Central Government; or

(*b*) in relation to any other enemy foreigner, by the civil authority having jurisdiction over the port from which the enemy foreigner leaves British India.

(2) No enemy foreigner shall depart from British India for a destination outside India across the external land frontiers of India.

(3) No enemy foreigner shall depart from British India by sea except at the port of Bombay :

Provided that, if his destination lies to the north of Latitude 15°S and east of Longitude 75°E, an enemy foreigner may also embark at the port of Calcutta."

H. J. Frampton,
Deputy Secretary to the
Government of India.

No. L. 8527—V. P. 43-39-4, dated Bangalore, 4th April 1940.

Government are pleased to direct that the following rule be added as rule 120-A in Chapter V, Page 80 of the Mysore Village Panchayet Manual—Parts I & II—Edition of 1938 :—

" The excess of closing balance at the end of a year over 20 per cent of the income of the year (excluding Government grants sanctioned for public improvements) may, with the previous approval of the Deputy Commissioner, be invested in Savings Bank Fixed Deposits or Government Savings Certificates or Savings Bank Current Deposits or in any other Government Securities or other Securities approved by the Revenue Commissioner, the amount so invested being liable to be withdrawn only when absolutely necessary, with the sanction of the Deputy Commissioner.".

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

270

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 16

BANGALORE, THURSDAY APRIL 18, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 6671—*Pol.* 46-39-8, *dated Bangalore, the 9th April* 1940.

In exercise of the powers conferred by Section 22 of the Arms Act, VI of 1890 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to direct that the words "Srimadabhinava Prabhakara Jaganathaswamigalu" be substituted for the words "Pandit D. Lakshminarasappa Agent" in entry 7 in the first column of Schedule I of the Arms Rules, 1926.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

No. D. 4504—Pat. 1-39-6, dated Bangalore, 4th April 1940.

In exercise of the powers conferred on them by Section 73 (1) of the Mysore Patents and Designs Act, 1925, as amended by the Act XV of 1939, the Government of His Highness the Maharaja of Mysore, are pleased to issue the following revised Rules under the said Acts, the draft rules in this behalf having already been published with Notification No. D. 3471—Pat. 1-39-3, dated 17th January 1940.

By Order,

C. E. NORONHA,

Secretary to Government,

Development Department.

THE MYSORE PATENTS AND DESIGNS RULES, 1940.

CHAPTER I.

PRELIMINARY.

1. (1) These rules may be called the Mysore Patents and Designs Rules, 1940. Short title and commencement

(2) They shall come into force from the date of publication in the *Mysore Gazette.*

2. In these rules unless there is anything repugnant in the subject or context— Definitions.

(a) "Act" means the Mysore Patents and Designs Act III of 1925 as amended by Act XV of 1939.

(b) "British Application" means, an application by any person for the protection in any part of United Kingdom of an invention for the protection of which in Mysore State the provisions of Section 75 of the Act are for the time being applicable.

(c) "Indian Application" means, an application by any person for the protection in any part of British India or in any State in India, of an invention for the protection of which in Mysore State the provisions of Section 75 of the Act are for the time being applicable.

(d) "Controller" means, the Controller of Patents and Designs appointed under Section 53 of the Act, and includes any officer appointed to act for him;

(e) "Office" means, the Patent Office provided under Section 52 of the Act;

(f) "Reciprocity application" means, an application in Mysore State under Section 75 of the Act;

(g) "Set" means, a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design, with or without modifications not sufficient to alter the character or substantially to affect the identity thereof.

3. Any application, notice, or other document authorised or required to be left, made or given at the Office, or to the Controller, may be sent by hand, or by a prepaid letter through the post, addressed to the *Ex-Officio* Controller of Patents and Designs in Mysore, Bangalore, and, if sent by a prepaid letter, shall be deemed to have been left, made or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall Communications to the office.

273

be sufficient to prove that the letter was properly addressed and put into the post.

Address for service.

4. Every applicant or opponent in any proceeding under the Act or these rules, and every person who shall hereafter become a patentee or a registered proprietor of a design, shall give an address for service in Mysore State, and such address may be treated, for all purposes connected with the patent or the design, as the actual address of such applicant, opponent, patentee or registered proprietor. Unless such an address is given, the Controller shall be under no obligation either to proceed with the application or the opposition, or to send any notice that may be required by the Act or these rules.

Fees.

5. (1) The fees to be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under the Act, shall be those specified in the First Schedule to these rules, hereinafter referred to as the prescribed fees.

(2) Fees may be paid in cash at the office, or may be sent by money order or cheque payable to the Controller. Cheques not carrying the correct addition for commission, and other cheques on which the full value cannot be collected in cash within the time allowed for payment of the fee, shall be accepted only at the discretion of the Controller. Stamps shall not be received in payment of fees.

Forms.

6. The forms set forth in the Second Schedule, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned, and if used, shall be sufficient :

Provided that the Controller may, if he thinks fit, dispense with the use of Form 4 in the case of an application for extension of time under Sub-section (2) of Section 14 of the Act.

Size, etc., of documents.

7. (1) All documents and copies of documents, except drawings, sent to or left at the office or otherwise furnished to the Controller, shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed), in large and legible characters with deep permanent ink upon one side only of strong white paper of a size of approximately 13 inches by 8 inches, with a margin of at least one inch and a half on the left-hand part thereof. Signatures thereto shall be written in

274

a large and legible hand, and a vernacular signature shall be accompanied by a transliteration in English.

(2) Duplicate documents shall be filed at the office, if at any time required by the Controller.

(3) Names and addresses of applicants and other persons shall be given in full, together with their nationality and such other particulars, if any, of caste or calling as are necessary for identification.

Signature and verification of documents specified in Section 71 of the Act.

8. The documents specified in Section 71 of the Act shall be dated and signed at the foot, and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing them.

Agency.

9. For all matters falling under the provisions of Section 72 of the Act any person may, unless otherwise directed by the Controller, authorise, under his personal signature, any other person to act as his agent and to receive all notices, requisitions and communications. The authority may be given on Form 31.

CHAPTER II.

PATENTS.

Applications for Grant of Patents.

Application.

10. (1) If the true and first inventor or any applicant for a patent is in the service of the Government, he shall disclose that fact in the application and shall state the office which he holds.

(2) If the true and first inventor is not a party to an application for a patent, the applicant shall, except in the case of reciprocity applications, produce the original deed of assignment or other document from such true and first inventor, under which he is enabled to apply for a patent, unless the application itself is endorsed by the ture and first inventor in the presence of two witnesses with a statement that the said inventor agrees that the application shall be made without his name as an applicant for a patent.

(3) If an application for a patent is made by the legal representative of a deceased inventor, the legal representative shall produce for inspection the probate of

275

the will or the letters of administration of the estate of the inventor or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

Reciprocity application.

11. (1) Every reciprocity application shall contain a declaration that a British application or Indian application has been made for protection of the invention to which such reciprocity application relates, and shall specify every part of the United Kingdom and every State in India in which any such British application or Indian application has been made and the official date or dates thereof respectively. The application shall be made within twelve months from the date of the first British application or Indian application and shall be signed by the person by whom such first British application or Indian application was made or by his legal representative or assignee or by an agent resident in British India authorised in that behalf.

(2) If a reciprocity application is made by an assignee of the person who made the British application or Indian application, the applicant shall produce the original deed of assignment or other document from such person, under which he is enabled to apply for a patent, unless the application itself is endorsed in the presence of two witnesses by the person who made the British application or Indian application with a statement to the effect that the applicant is his assignee.

(3) If a reciprocity application is made by the legal representative of a deceased person who made the British application or Indian application, the legal representative shall produce for inspection the probate of the will or the letters of administration of the estate of the deceased person or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

(4) In addition to the specification left with every reciprocity application, a copy or copies of the specification or specifications, and drawings or documents filed or deposited by the applicant or his predecessor in title, as the case may be, in respect of the first British application or Indian application duly certified by the official chief or head of the Patent Office in which they were filed or deposited, or otherwise verified to the satisfaction of the Controller, shall be left at the office at the same time as the reciprocity application or within such further time, not exceeding three months, as the Controller may allow.

276

(5) If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and shall be verified to the satisfaction of the Controller.

(6) Save as aforesaid and as provided by rule 50, all proceedings in connection with a reciprocity application shall be taken within the time and in the manner required by the Act or prescribed by these rules for ordinary applications.

Order of recording applications.

12. Applications shall, on receipt by the Controller, be numbered in the order of their receipt.

Specifications.

Specification.

13. (1) The specification shall commence with the title of the invention and the name of the applicant as in the application. It shall terminate with a clear and succinct statement of the invention claimed, distinct from the body of the specification, and shall be signed and dated by the applicant or his agent.

(2) The specification in respect of a patent of addition shall contain a specific reference to the number of the main patent, and a definite statement that the invention comprises an improvement in, or a modification of, the invention claimed in the specification of the main patent.

(3) Where the invention is capable of representation by drawings, such drawings shall be prepared in accordance with rules 15 to 18 and shall be supplied with, and referred to in detail in, the specification.

(4) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

Amendments how to be made.

14. (1) When the specification or any drawing accompanying it, is defective and requires amendment, one copy shall be returned to the applicant or his agent and alterations shall be made thereon as far as possible. Additional matter may be interpolated, if necessary, by re-writing such passages as are required to form a continuous document. Amendments shall not be made by slips pasted on, or as footnotes, or by writing in the margin.

(2) The amended documents shall be returned to the Controller together with the superseded pages or drawings,

277

if any, duly marked, cancelled and initialled by the applicant or his agent, and with a duplicate of any pages that have been re-typed or added and of any drawings that have been added or substantially amended. Amendments, alterations or additions shall be initialled in the margin by the applicant or his agent.

(3) No amendments, alterations or additions shall be made in a document returned for amendment, beyond those necessary to comply with the requirements of the Controller.

General.

15. (1) Drawings, when furnished, shall accompany the specification to which they refer. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specifications when printed, shall appear in the specification itself.

(2) Drawings shall be delivered flat or so rolled as to be free from creases.

(3) At least one copy of the drawings shall be suitable for reproduction, and for that purpose, shall be prepared on tracing cloth or on smooth white paper which is not opaque.

Size of drawings and arrangement of figures.

16. (1) Drawings shall be on sheets which measure 13 inches from top to bottom and are either from 8 inches to 8¼ inches or from 16 inches to 16½ inches wide, the narrower sheets being preferable. A clear margin shall be left half an inch from the edges of the sheet.

(2) If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets shall be used in preference to employing the larger size. When an exceptionally large figure is required, it shall be continued on subsequent sheets, of which any number that are required but not more than are required, may be employed. The figures shall be numbered consecutively throughout and without regard to the number of sheets. They shall be separated by a sufficient space to keep them distinct.

Drawings to be suitable for reproduction.

17. Drawings shall be prepared in accordance with the following requirements :—

(*a*) They shall be executed with absolutely black ink.

(*b*) Each line shall be firmly and evenly drawn, sharply defined and of the same strength throughout.

(*c*) Section lines, lines for effect, and shading lines shall be as few as possible, and shall not be closely drawn.

279

(*d*) Shading lines shall not contrast too much in thickness with the general lines of the drawings.

(*e*) Sections and shading shall not be represented by solid black or washes.

(*f*) They shall be on a scale sufficiently large to show the inventions clearly, and only so much of the apparatus, machine, etc., shall appear as effects this purpose. If the scale is given, it shall be drawn and not denoted by words. No dimensions shall be marked on the drawings.

(*g*) The figures shall be drawn in an upright position in regard to the top and bottom of the sheet.

(*h*) Reference letters and numerals, and index letters and numerals used in conjunction therewith, shall be bold, distinct and not less than one-eighth of an inch in height. The same letters or numerals shall be used to indicate the same parts in different views. Where the reference letters or numerals are shown outside the figure, they shall be connected by fine lines with the parts to which they refer.

18. (1) Drawings shall bear— Drawings to bear name of applicant, etc., but no descriptive matter.

(i) in the lefthand top corner, the name of the applicant and the words "No. of 19 ."

(ii) in the righthand top corner, the number of the sheets of drawings sent and the consecutive number of each sheet;

(iii) in the righthand bottom corner, the signature of the applicant or his agent.

(2) Neither the title of the invention nor any descriptive matter shall appear on drawings.

19. The Controller shall advertise the acceptance of every application in the Gazette of Mysore.

Oppositions to Grant or Amendment, etc.

20. Notice of opposition to the grant, or to the amendment, etc., of a patent shall be given in duplicate. One copy of the notice shall be sent by the Controller to the applicant or his agent. Notice of opposition.

21. (1) Within 14 days of giving notice of opposition, the opponent shall leave at the office a full written statement in duplicate, setting out fully the nature of the opponent's interests, the facts upon which he bases his case and the relief which he seeks. Filing of Statements

(2) The Controller shall furnish the applicant or his agent with one copy of the statement referred to in sub-rule (1), and the applicant or his agent may leave at the office a reply in writing within a time to be specified by the Controller. Such reply shall deal in full with the statement of the opponent and shall be in duplicate.

279

(3) If the reply referred to in sub-rule (2) is supplied by the applicant, the Controller shall furnish the opponent or his agent with one copy thereof, and the opponent or his agent may again leave at the office a rejoinder in writing within a time to be specified by the Controller. Such rejoinder shall be confined strictly to matters in the reply, and shall be in duplicate. One copy of the rejoinder shall be sent by the Controller to the applicant or his agent.

(4) The Controller may require at any time that any written statement, reply or rejoinder shall be in the form of an affidavit.

(5) The time allowed for filing a reply or rejoinder shall ordinarily be one month.

Hearing.

22. (1) On completion of these proceedings or at such other time as he may see fit, the Controller shall appoint a time for the hearing of the case, and shall give the parties not less than ten days' notice of such hearing.

(2) If either party desires to be heard, he shall leave Form 7 at the office.

(3) The Controller may refuse to hear any party who has not left Form 7 prior to the date of hearing.

(4) If either party intends to refer at the hearing to any publication other than a specification already mentioned in the proceedings, he shall give to the other party and to the Controller not less than five days' notice of his intention, together with details of each publication to which he intends to refer.

(5) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without a hearing, the Controller shall decide the case and notify his decision to the parties.

Sealing.

Sealing.

23. (1) If an applicant desires to have a patent sealed on his application, he shall, within the period allowed by sub-section (2) of Section 10 of the Act, leave at the office an application on Form 8.

(2) Where for any reason a patent cannot be sealed within the period allowed, the applicant may apply to the Controller for an extension of the period not exceeding three months. An application for such an extension shall be accompanied by a fee of Rs. 10, Rs. 20 or Rs. 30 for an extension of one, two or three months, respectively.

280

24. The patent shall be in the form given in the Third Schedule to these rules, with such modifications as the circumstances of each case may require. Form of Patent.

Extension.

25. (1) A petition for the extension of the term of a patent shall set forth clearly the nature and merits of the invention in relation to the public, the profits made by the patentee as such and all the circumstances of the case. Extension of term of Patent.

(2) The Controller shall advertise every such petition in the official Gazette.

(3) Every such advertisement shall state the object of the petition and the address within Mysore State for service on the patentee of any document requiring service under this rule. It shall also specify that notices of objections shall be lodged on Form 6 within two months from the date of the notification.

(4) Every such petition shall also be advertised by the patentee in not less than two newspapers named by the Controller within 14 days from the date of the notification in the Gazette and in the manner described in sub-rule (3). Copies of the newspapers containing these advertisements shall be supplied to the Controller.

(5) The petitioner shall, within three weeks of filing the petition, lodge a duplicate of the petition with two copies of the balance sheet of expenditure and receipts relating to the patent in question, which accounts shall be proved on oath. He shall also, upon receiving two days' notice, give the Controller or any person deputed by him for the purpose, reasonable facilities for inspecting and taking extracts from the books of accounts, by reference to which he proposes to verify the said balance sheet or from which the materials for making up the said balance sheet have been derived.

(6) Any person desirous of opposing the prayer of the petition shall lodge with the Controller a notice on Form 6 accompanied by a fee of Rs. 5. Such person shall at the same time serve a copy of such notice upon the petitioner. Such notices shall be lodged and served within two months from the date of the notification of the petition in the official Gazette.

(7) The petitioner shall, within one week of the receipt of such notice, serve a copy of his petition upon each person giving such notice.

281

(8) Every person giving such notice as aforesaid shall, within 14 days from the service of the petition upon him, serve upon the petitioner one copy and lodge with the Controller two copies of particulars of the objections upon which he intends to reply against the granting of the prayer of the petition.

(9) Any person who shall not, within the said 14 days, lodge and serve such particulars of objections as aforesaid shall be deemed to have abandoned his opposition.

(10) No person who has delivered such particulars of objections shall be entitled to oppose the granting of the prayer of the petition on any grounds not stated in such particulars.

(11) Any person who has delivered particulars of objections shall be entitled, at his own expense, to obtain copies of the accounts which have been lodged by the petitioner.

(12) The Controller may excuse petitioners and opponents from compliance with any of the requirements of sub-rules (5), (7), (8) and (10) and may give such directions in matters of procedure and practice as he shall consider to be just and expedient.

(13) Service of any document requiring service under this rule may be made by enclosing such document in a prepaid registered letter and posting such letter to the person required to be served at his address for service.

(14) On completion of these proceedings, if any, or at such other time as he may see fit, the Controller shall forward one copy of the documents left by the party or parties to the Government through the Secretary to Government, Development Department.

Restoration.

Restoration of Lapsed Patent

26. If the Controller entertains an application under Section 16 of the Act for the restoration of a lapsed patent, he shall advertise it in the official Gazette.

Opposition.

27. Notice of opposition to the restoration may be given within six weeks of the advertisement and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Conditions on restoration.

"28 (1) In every order of the Controller restoring a patent, provisions shall be inserted for restraining the

282

patentee from commencing or prosecuting any action or other proceeding, and from recovering any damage—

(*a*) in respect of making, selling or using the invention, or

(*b*) in respect of selling or using at any time thereafter any article made,

in infringement of the patent between the date of the lapsing of the patent and the date of the order of restoration.

(2) The order shall further provide that if any person within one year after the date thereof makes an application to the Controller for compensation in respect of money, time, or labour expended by the applicant upon the subject matter of the patent, in the bona fide belief that such patent had become and continued to be void, it shall be lawful for the Controller, after hearing the parties concerned, and subject to an appeal to the Government, to assess the amount of such compensation, if, in his opinion, the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid; and if default shall be made in payment of the sum awarded, then the said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages."

Amendment of Application or Specification.

Amendment.

29. A request under Section 17 of the Act for the amendment of an application, or a specification including drawings shall be accompanied by a copy of the application, specification, or drawings showing in red ink the proposed amendment in such a manner as to indicate clearly the alteration desired.

Procedure when application for a Patent has been accepted.

30. If the request relates to an application for a patent which has been accepted, the request and the nature of the proposed amendment shall be advertised by notification in the official Gazette and in such other manner, if any, as the Controller may in each case direct. The Controller shall also notify all persons whose names, at the time of the request, are entered on the register as claiming an interest in the patent.

Opposition.

31. Rules 20, 21 and 22 shall be applicable to the disposal of any opposition to the amendment, of which notice may be given in accordance with sub-section (3) of Section 17 of the Act.

283

Requirements on amendment.

32. (1) Where leave to amend is given, the applicant shall, if the Controller so requires, and within a time to be specified by him, leave at the office a new specification and amended drawings which shall be prepared in the manner prescribed in rules 15 to 18.

(2) Amendments allowed by the Controller after an application for a patent has been accepted shall be advertised by him in the official Gazette.

Surrender.

Surrender of Patents, &c.

33. (1) If an offer is made for the surrender of a patent under Section 24 of the Act, the Controller shall advertise in the official Gazette and shall notify all persons whose names, at the time of the offer, are entered on the register as claiming an interest in the patent.

(2) Notice of opposition to the revocation of a patent offered for surrender shall be given within six weeks of the advertisement, and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

CHAPTER III.

DESIGNS.

Classification of Goods.

34. (1) For the purpose of the registration of designs and of these rules, goods shall be classified in the manner specified in the Fourth Schedule hereto.

(2) If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Controller.

Application for Registration.

Application.

35. (1) An application under Section 40 of the Act for the registration of a design shall be accompanied by four copies of the design and shall be dated and signed by the applicant or his agent.

(2) The application shall state the class in which the design is to be registered and the article or articles to which the design is to be applied.

(3) If it is desired to register the same design in more than one class, a separate application shall be made

284

in each class, and the application shall contain the number or numbers of the registration or registrations already effected.

(4) If so required by the Controller, the applicant shall state the purpose for which the article is used and the material or predominating material of which the article is made.

Statement of Novelty.

36. The applicant may, and shall, if required by the Controller in any case so to do, indorse on the application and each of the representations a brief statement of the novelty he claims for his design.

Additional copies of Representations or Specimens.

37. If the Controller in any case so requires, he shall be supplied with one or more representations or specimens of the design in addition to those supplied with the application.

Representations.

38. (1) The four copies of the design required by rule 35 shall be exactly similar drawings, photographs, tracings or other representations of the design or shall be specimens of the design.

(2) When a design is to be applied to a set, each of the representations accompanying the application shall show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

(3) Each representation of the design whether to be applied to a single article or to a set, shall be on paper of a size 13 by 8 inches (and not on cardboard) and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall, where possible, be on one and the same sheet, and each shall be designated (*e. g.*, perspective view, front view, side view).

(4) When a design is to be applied to a set, any doubt whether the given articles do or do not constitute a set shall be determined by the Controller.

(5) If the specimens are not, in the opinion of the Controller, suitable for record in the office, they shall be replaced by representations.

(6) Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design, the Controller may require the insertion of a disclaimer of any right to their exclusive use.

(7) Each representation of a design which consists of a repeating surface pattern shall show the complete pattern and a sufficient portion of the repeat in length

and width, and shall not be of less size than 5 by 4 inches.

(8) If the names or representations of living persons appear on a design, the Controller shall, if he so requires, be furnished with consents from such persons before proceeding to register the design. In the case of persons recently dead, the Controller may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

Acceptance.

39. Upon receipt of an application for registration, the Controller shall consider it and may accept it if he considers that there is no objection to the design being registered.

Objections.

40. If on a consideration of the application, any objections appear to the Controller, a statement of these objections shall be sent to the applicant or his agent in writing, and unless within one month the applicant or his agent removes the objection or applies for a hearing, the applicant shall be deemed to have withdrawn his application.

Decision of Controller.

41. The decision of the Controller at such hearing as aforesaid shall be communicated in writing to the applicant or his agent who may, within one month, apply to the Controller requiring him to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Date of appeal.

42. Upon receipt of such application, the Controller shall send to the applicant or his agent such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Controller's decision for the purpose of appeal.

Non-completion within six months.

43. An application which, owing to any neglect or default of an applicant, has not been completed so as to enable registration to be effected within six months of the date of application, shall be deemed to be abandoned.

Extension of Period.

Extension of period of copyright in registered design.

44. An application under sub-sections (2) and (3) of Section 44 of the Act for the extension of the period of copyright in a registered design, may be made at any time not less than one month before the expiry of the copyright.

Marking of Articles. 296

45. Before delivery on sale of any articles to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED, or with the abbreviation REGD., or with the abbreviation RD., as he may choose, and also (except in the case of articles to which have been applied designs registered in classes 9, 13 or 14) with the number appearing on the certificate of registration: Marking of articles before delivery on sale.

Provided that the requirement of this rule and of clause (*b*) of sub-section (1) of Section 45 of the Act shall be dispensed with as regards textile goods in which the design is printed or woven other than handkerchiefs.

Inspection and Searches.

46. Registered designs shall not, except as provided in Section 47 of the Act, be open to inspection until two years after the date of application for registration. Inspection of designs.

47. (1) If any person desires to obtain the information which he is entitled to obtain under Section 48 of the Act, and can furnish the registration number of the design, he shall lodge with the Controller Form 20 and the Controller shall thereupon furnish him with the information aforesaid. Search under Section 48.

(2) If the applicant is unable to furnish the registration number of the design, he shall lodge with the Controller Form 21 together with such information as is in his possession and the Controller shall thereupon cause such search to be made in the class indicated as may be possible on the information supplied, and shall furnish such information as may be obtainable. Where Form 21 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

Cancellation.

48. (1) An application to the Controller for the cancellation of the registration of a design shall be made in duplicate and shall be accompanied by a statement in duplicate setting out the nature of the applicant's interest and the facts upon which he bases his application. Cancellation of registration of designs under Section 48-A.

(2) If the application for the cancellation of the registration of a design is made by a person who is not

287

the registered proprietor, a copy of the application along with the statement shall be transmitted by the Controller to the registered proprietor.

(3) If the registered proprietor intends to oppose the application, he shall, within 14 days of his receiving the application or within such further time as the Controller may allow, leave at the office a counter statement setting out the grounds on which he intends to oppose the application, and shall, within the same time, deliver to the applicant a copy of the counter-statement.

(4) Within 14 days of his receiving the counter-statement or within such further time as the Controller may allow, the applicant may leave a rejoinder at the office; and if any such rejoinder is left, he shall within the same time, deliver a copy of it to the registered proprietor.

(5) At any time after the completion of the pleadings hereinbefore described, the Controller shall appoint a date for the hearing of the application and shall give the parties not less than ten days' notice of such date.

(6) The Controller may require or may allow the production of oral evidence in amplification or in confirmation of the pleadings, and he may require the attendance of the applicant or the registered proprietor or any other person whose evidence he may consider desirable.

(7) If either the applicant or the registered proprietor desires to be heard either in person or by his representative, he shall intimate this fact by leaving Form 7 duly filled in at the office; and the Controller may refuse to hear any person who has not left Form 7 or whose name has not been entered in the Form.

CHAPTER IV.

GENERAL.

Register of Patents and Designs.

Entry of Grant.

49. Upon the sealing of a patent, the Controller shall cause to be entered in the Register of Patents the name, address and nationality of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the grant thereof, together with the address for service.

288

50. The patent granted on any reciprocity application shall be entered in the register as dated of the official date of the first British or Indian application in respect of which the reciprocity application was made and the payment of renewal fees and the expiration of the patent shall be reckoned as from that date. The date of the reciprocity application shall also be entered in the register. Entry in respect of Reciprocity application.

51. Upon payment of the fee prescribed for the continuance of a patent, the Controller shall cause to be entered in the Register of Patents a record of the date of payment of such fee. Entry of renewal Fee.

52. When a design is accepted, there shall be entered in the Register of Designs, in addition to the particulars required by the Act, the number of the design, the class in which it is registered, the date of filing the application for registration in this country, the reciprocity date, if any, claimed for the registration and such other matters as would affect the validity or proprietorship of the design. Registering Designs.

53. If a patentee or a proprietor of a registered design sends to the Controller notice in respect of an alteration in his name, or address, or addresses for service, the Controller shall cause the register to be altered accordingly. Alteration of address

54. Where a person becomes entitled, by assignment, transmission or other operation of law, to a patent, or to a copyright in a registered design, or to any interest therein, as mortgagee or licensee, application shall be made to the Controller for the entry in the register, of his name as proprietor or part proprietor of the patent, or design or of a notice of such interest, as the case may be. Application for entry of subsequent proprietor ship.

55. An application, under rule 54 shall contain the name, address and nationality of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims. Particulars in applications.

56. Every assignment, and every other document containing, giving effect to or being evidence of the transmission of a patent or of copyright in a registered design or affecting the proprietorship thereof as claimed by such application, shall, unless the Controller otherwise directs, be presented to him together with the application, and he may call for such other proof of title or written consent as he may require for his satisfaction: Production of documents of title and other proof.

Provided that in the case of a document which is a public document, an official or certified copy thereof may be presented.

Form of entry.

57. The entry to be made in the registers on a request under rule 54 shall be in the following form :—

"In pursuance of an application received on the.....

registered as Proprietors / Licenses / Mortgages, etc. by virtue of assignment license / mortgage deed, / etc.

dated.....and made between..... ..... of the one part and.....of the other part.

Entry of notification of documents.

58. An application for entry in the registers of notification of any document (not already provided for) purporting to affect the proprietorship of a patent, or of a registered design, shall be accompanied by an attested copy of the document, the accuracy of such copy being certified as the Controller may direct, and the original document shall at the same time be produced and left at the office if required for further verification.

Hours of inspection of registers.

59. The registers of patents and designs shall be open to the inspection of the public at all times on which the office is open to the public, except at times when they are required for actual official use.

Rectification of registers.

60. If an application is made for the rectification of the Register of Patents or Designs under Section 61 of the Act, the Controller shall notify all persons whose names, at the time of the application, are entered on the register as claiming an interest in the patent or design, and shall advertise the application in the official Gazette.

Opposition to rectification.

61. Notice of opposition to any rectification of the Register of Patents or the Register of Designs may be given within six weeks of the advertisement of the application for rectification and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Appeals.

Appeals to Government.

62. (1) An appeal to the Government of His Highness the Maharaja of Mysore under any provision of the Act from a decision of the Controller shall be lodged with the Controller in duplicate and shall state fully the reasons for appealing.

(2) The Controller shall forward one copy of the appeal to the Government through the Secretary to Government, Development Department, who shall notify the appellant of its receipt.

290

(3) In appeals under Sections 9, 10 (1-A), 16 and 17 of the Act, the Government may either dismiss the appeal summarily or call upon the appellant or his agent to serve a copy of the appeal on the respondent or his agent.

(4) When so required by the Government, the appellant or his agent shall forthwith furnish the respondent or his agent with a copy of the appeal and intimate to the Controller the date of supply of the copy.

(5) If a copy of the appeal is supplied to the respondent or his agent, the respondent or his agent may leave at the office a reply in writing within one month of the date of receipt of a copy of the appeal. Every such reply shall deal in full with the statement of the appeal and shall be in triplicate.

(6) If a reply is supplied under sub-rule (5), the Controller shall furnish the appellant or his agent with one copy thereof and forward one copy to the Government.

(7) After considering the appeal and the reply, if any, the Government may either allow the appeal or call upon the appellant or his agent to furnish a rejoinder, and, if so called upon, the appellant or his agent shall leave at the office a rejoinder in writing within one month of the date of such requisition. The rejoinder shall be confined strictly to matters in reply and shall be in triplicate. One copy of the rejoinder shall be sent by the Controller to the respondent or his agent and one copy to Government.

(8) On completion of these proceedings, if any, or at such other time as he may see fit, Government shall consider the appeal together with the reply and the rejoinder if any, and decide the case. The decision of Government shall be communicated to the Controller and to the parties or their agents by the Secretary to Government, Development Department.

Certificates.

63. Certified copies of any entry in the registers or certified copies of, or extracts from patents, specifications, disclaimers, affidavits, declarations and other public documents in the office, or of or from registers and other books kept there, shall be furnished by the Controller on payment of the prescribed fee.

Certified copies of documents.

291

Miscellaneous Powers of the Controller.

Exercise of discretionary power of Controller.

64. The time within which a person entitled under Section 64 of the Act, to an opportunity of being heard shall exercise his option of requiring to be heard shall be one month from the date of a notice which the Controller shall give to such person or his agent before determining the matter with reference to which such person is entitled to be heard. If within that month such person or his agent requires to be heard, the Controller shall appoint a date for the hearing and shall give ten days' notice thereof:

Provided that if the giving of ten days' notice would cause an application for a patent or for the registration of a design to become void before the hearing, the Controller may curtail the period of notice.

Controller may require statement

65. Whether an applicant or agent desires to be heard or not, the Controller may at any time require him to submit a statement in writing within a time to be notified by the Controller, or to attend before him and make explanations with respect to such matters as the Controller may require.

General Powers of amendment

66. Any document for the amending of which no special provision is made by the Act may be amended, and any irregularity in procedure which, in the opinion of the Controller, may be obviated without detriment to the interests of any person, may be corrected if the Controller thinks fit, and upon such terms as he may direct.

General power to enlarge time.

67. The time prescribed by these rules for doing any act or taking any proceeding thereunder may be enlarged by the Controller, if he thinks fit, and upon such terms as he may direct.

Repeal.

Repeal.

68. The Mysore Patents and Designs Rules, 1926, are hereby superseded, provided that any application or other matter pending under those rules on the date of the coming into force of these rules shall be disposed of under those rules.

292

THE FIRST SCHEDULE.

(*Vide* SECTION 54.)

Fees.

Number of entry	On what payable	Number of Form.	Proper Fee
			Rs. a. p.
1	On application for a patent under Section 3, 15-A or 75.	1; 1A; 1B; 1C; 1AC; 1BC; 1CC; 2; 2A; 3C; 2AC.	10 0 0
2	On application for extension of time for filing documents under Rule 11.—	4	...
	One month	...	10 0 0
	Two months	...	20 0 0
	Three months	...	30 0 0
3	On application for extension of time to accept application under Section 5 (4).	4	20 0 0
4	On notice of opposition under Section 9 (1).	6	5 0 0
5	On notice of intention to attend hearing under Section 9 (2). By applicant and opponent, respectively.	7	10 0 0
6	On request of sealing under Section 10(1)...	8	30 0 0
7	On notice of intention to attend hearing under Section 10(1A) by each party.	7	10 0 0
8	On application for extension of time under Sections 10 (2) (b)—	4	...
	One month	...	10 0 0
	Two months	...	20 0 0
	Three months	...	30 0 0
9	For renewal under Section 14—		
	(a) *In respect of patents, the application for which was made before the* 3rd *July* 1939.—		
	Before expiration of 4th year in respect of the 5th year.	...	50 0 0
	Before expiration of 5th year in respect of the 6th year.	...	50 0 0
	Before expiration of 6th year in respect of the 7th year.	...	50 0 0
	Before expiration of 7th year in respect of the 8th year.	...	50 0 0
	Before expiration of 8th year in respect of the 9th year.	...	50 0 0

293

Number of entry	On what payable	Number of Form.	Proper Fee Rs. a. p.
	Before expiration of 9th year in respect of the 10th year.	...	100 0 0
	Before expiration of 10th year in respect of the 11th year.	...	100 0 0
	Before expiration of 11th year in respect of the 12th year.	...	100 0 0
	Before expiration of 12th year in respect of the 13th year.	...	100 0 0
	Before expiration of 13th year in respect of the14th year.	...	100 0 0
	Before expiration of 14th year in respect of the 15th year.	...	150 0 0
	Before expiration of 15th year in respect of the 16th year.	...	150 0 0
	(b) *In respect of patents, the application for which was made on or after the 3rd July 1939.*—		
	Before expiration of 4th year in respect of the 5th year.	...	50 0 0
	Before expiration of 5th year in respect of the 6th year.	...	50 0 0
	Before expiration of 6th year in respect of the 7th year.	...	50 0 0
	Before expiration of 7th year in respect of the 8th year.	...	50 0 0
	Before expiration of 8th year in respect of the 9th year.	...	100 0 0
	Before expiration of 9th year in respect of the 10th year.	...	100 0 0
	Before expiration of 10th year in respect of the 11th year.	...	100 0 0
	Before expiration of 11th year in respect of the 12th year.	...	100 0 0
	Before expiration of 12th year in respect of the 13th year.	...	150 0 0
	Before expiration of 13th year in respect of the 14th year.	...	150 0 0
	Before expiration of 14th year in respect of the 15th year.	...	150 0 0
	Before expiration of 15th year in respect of the 16th year.	...	150 0 0
	NOTE.—*The fees for two or more years may be paid in advance.*		

294

Number of entry	On what payable	Number of Form	Proper Fee		
			Rs.	a.	p
10	On application for extension of time for payment of renewal fees under Section 14 (2).—	4	...		
	One month	...	10	0	0
	Two months	...	20	0	0
	Three months	...	30	0	0
11	On petition for extension of term of patent under Section 15.	9	50	0	0
12	On notice of opposition to extension of term of patent under Section 15 (2).	6	5	0	0
13	On certificate of renewal in respect of each year, on patents extended or a new patent granted under Section 15.	...	150	0	0
14	On application for restoration of lapsed patents under Section 16.	10	100	0	0
15	On notice of opposition to restoration under Section 16.	6	5	0	0
16	On notice of intention to attend hearing under Section 16. By applicant and opponent, respectively.	7	10	0	0
17	On application to amend under Section 17 before acceptance.	11	10	0	0
	After acceptance ..	...	20	0	0
18	On notice of opposition to amendment under Section 17 (3).	6	5	0	0
19	On notice of intention to attend hearing under Section 17 (4). By applicant and opponent, respectively.	7	10	0	0
20	On petition for compulsory licence or revocation under Sections 22 and 23.	...	10	0	0
21	On offer to surrender a patent under Section 24.	12	10	0	0
22	On notice of opposition to the surrender of a patent under rule 33.	6	5	0	0
23	On notice of intention to attend hearing under Section 24. By applicant and opponent, respectively.	7	10	0	0
24	For duplicate of a patent under Section 38.	13	10	0	0
25	On notice to Controller of intended exhibition of an invention or design under Section 39 or 49.	14	5	0	0
26	On request to register design under Section 40 or 75.—	15,16	...		
	In classes 1 to 12 ...	...	3	0	0
	In classes 13 to 15 ...	...	0	8	0

Number of entry	On what payable	Number of Form	Proper Fee
			Rs. a. p.
27	On request to register design under Section 40 to be applied to a set in a Class.	17	3 0 0
28	On request for written decision under rule 41. ...	18	5 0 0
29	On request to extend copyright under Section 44. NOTE.—*This fee may be paid in advance.*	19	10 0 0
30	On request to inspect under Section 47 ...	...	1 0 0
31	On request for information under Section 48 when registration number is supplied.	20	2 0 0
32	On request for information under Section 48 when registration number is not supplied.	21	10 0 0
33	On request for inspection of the register under Section 56.	...	1 0 0
34	On request for certificate under Section 56. An additional fee of one anna for every 100 words or part thereof will be charged for preparing copies of specifications, etc. Drawings will be charged according to agreement.	29	5 0 0 ...
35	For office copies of drawings ...	....	Cost according to agreement.
36	For certifying office copies, M S S or printed each.	...	2 0 0
37	For office copy of design ...	...	Cost according to agreement.
38	On request to correct under Section 59 ...	28	5 0 0
39	On application to the Controller for cancellation of registration of design under Section 48-A.	22	5 0 0
40	On notice of intention to attend hearing under rule 48.	7	10 0 0
41	On application under Section 63 for entry of name of subsequent proprietor in the Register of Patents or of Designs, if made within six months from date of acquisition of proprietorship or of the coming into force of these rules.	25	...
	In respect of one patent or design.	...	5 0 0
	For each additional patent or design.	...	2 0 0

296

Number of entry	On what payable	Number of Form	Proper Fee
			Rs. a. p.
42	On application under Section 60 for entry of name of subsequent proprietor in the Register of Patents or of Designs, if made after expiration of six months from the date of acquisition of proprietorship and the coming into force of these rules :—	25	...
	In respect of one patent or design.	...	20 0 0
	For each additional patent or design.	...	2 0 0
43	On application under Section 60 for entry of notice of a mortgage or licence in the Register of Patents or of Designs, if made within six months from the date of acquisition of interest or the comin g into force of these rules :—	26	...
	In respect of one patent or design.	...	5 0 0
	For each additional patent or design.	...	2 0 0
44	On application under Section 60 for entry of notice of a mortgage or licence in the Register of Patents or of Designs, if made after expiration of six months from the date of acquisition of interest and the coming into force of these rules :—	26	...
	In respect of one patent or design.	...	20 0 0
	For each additional patent or design.	...	2 0 0
45	On application under Section 60 for entry of notification of a document in the Register of Patents or of Designs. If made within six months from date of documents, the grant of the patent, the registration of the design, or the coming into force of these rules :—	27	...
	In respect of one patent or design.	...	5 0 0
	For each additional patent or design.	...	2 0 0

297

Number of entry	On what payable	Number of Form	Proper Fee
			Rs. a. p.
46	On application under Section 60 for entry of notification of a document in the Register of Patents or of Designs, if made after expiration of six months from the date of document, the grant of the patent, the registration of the designs and the coming into force of these rules :—	27	..
	In respect of one patent or design.	...	20 0 0
	For each additional patent or design.	...	2 0 0
47	On request to alter name, address or address for service in Register under Section 59.	23	1 0 0
48	For entry of two addresses for service in Register under Section 20 or 43.	24	2 0 0
49	On application for rectification of Register under Section 61.	30	10 0 0
50	On notice of opposition to the rectification of the Register under rule 61.	6	5 0 0
51	On notice of intention to attend hearing under rule 64 by applicant and opponent, respectively.	7	10 0 0
52	On appeal from the Controller to the Government under Sections 5, 9, 10 (1) (A), 16, 17, 40 or 66.	5	30 0 0

298

THE SECOND SCHEDULE.

LIST OF FORMS.

Form No.	Section of the Act	Title
*1	3	Application for patent when inventor is a sole or joint applicant.
*1A	3	Application for patent by assignee or legal representative of inventor.
*1B	3	Application for patent for invention "communicated" from abroad.
*1C	15A	Application for patent of addition when inventor is a sole or joint applicant.
*1AC	15A	Application for patent of addition by assignee or legal representative of inventor.
*1BC	15A	Application for patent of addition for invention "communicated from abroad."
*1CC	15A	Application for second or subsequent patent of addition.
*2	75	Application for patent under reciprocal arrangement, by "British or Indian Applicant."
*2A	75	Application for patent under reciprocal arrangement, by assignee or legal representative of "British or Indian applicant."
*2C	15A, 75	Application for patent of addition under reciprocal arrangement by "British or Indian applicant"
*2AC	15A, 75	Application for patent of addition under reciprocal arrangement, by assignee or legal representative of "British" applicant.
*3	4	Specification.
*4	15(4), 10(2), 14 (2) Rule 11.	Application for extension of time.
5	5, 9, 10(A), 16, 17, 46, 63.	Appeal.
*6	9(1), 15, 16, 17 (Rule 25, or 33 or 61).	Notice of opposition.
*7	9(2), 10(1)(A), 16, 17, 24, 15 (A) Rule 48 or 58.	Notice of intention to attend hearing.
*8	10	Request for sealing.
9	15	Petition for extension of patent.
10	16	Application for restoration of patent.
*11	17	Application to amend.
12	24	Offer to surrender patent.
13	39	Application for duplicate patent.

299

Form No.	Section of the Act	Title
14	37, 48	Notice of intended exhibition.
*15	40	Application for registration of design.
*16	75	Application for registration of design under reciprocal arrangements.
*17	40	Application for registration of design applicable to a set.
18	(Rule 41)	Request for grounds of decision.
19	44	Application for extension of copyright.
20	48	Request for information when registration number is furnished.
21	48	Request for information when registration number is not furnished.
22	48A	Application to the Controller to cancel registration of design.
23	49	Request to alter name or address or address for service in Register.
24	20, 43	Request for entry for two addresses in Register.
*25	60	Application for entry in Register.
*26	60	Application for entry in Register.
*27	20, 60 (Rule 58)	Application for entry of notification of documents in Register.
28	59	Request for correction.
*29	56 (Rule 63)	Request for certificate.
30	61	Application for rectification of Register.
31	73	Power of authority to agent.

FORM NO. 1] [FEE RS. 10.

300

MYSORE PATENTS AND DESIGNS ACT.

Application for patent when the true and first inventor is sole or joint applicant.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)_____ Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(i) that I am (or we are) in possession of an invention for_____ Insert title of invention.

(ii) that (I or we) (or the said_____) claim to be the true and first inventor thereof ; State who is the inventor.

(iii) that the invention is not in use in the Mysore State by any other person ;

(iv) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(v) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this_____ day of_____ 19 . To be signed by applicant or applicants.

(Signed)_____

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM NO 1 A.] [FEE RS. 10.

201

MYSORE PATENTS AND DESIGNS ACT.

Application for patent when the true and first inventor is NOT a party to the application.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) Name, address and nationality of applicant or applicants.

I (or we)_____

hereby declare :—

Insert title of invention.

(1) that I am (or we are) in possession of an invention for_____

Insert name. Insert (in full) name, address and nationality of inventor.

(2) that I (or we) (or the said_____)claim to be the assign of (or the legal representative of)_____ who claims and is (are) believed to be the true and first inventor(s) thereof ;

(3) that the invention is not in use in Mysore State by any other person ;

(4) that the specification filed with this application, is and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates ;

(5) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this_____day of_____19 .

To be signed by applicant or applicants.

Signed _____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

(Endorsement by Inventor) (See Rule 10—2).

Insert (in full) name,address and nationality.

I (or we)_____ referred to on the reverse of this document as claiming to be the true and first inventor(s) agree that the said application shall be made without my (or our) name(s) as (an) applicant(s) for a patent.

Dated this_____day of_____19 .

Signed _____

Signature of two witnesses :—

1. _____.

2. _____

302

MYSORE PATENTS AND DESIGNS ACT.

Application for patent when the true and first inventor is NOT a party to the application.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)_____ Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(1) that I am (or we are) in possession of an invention for_____ Insert title of invention.

(2) that I (or we) (or the said_____)claim to be the assign of (or_____ Insert name. Insert (in full) name, address and nationality of inventor.

who claims and is (are) believed to be the true and first inventor (s) thereof ;

(3) that the invention is not in use in Mysore State by any other person ;

(4) that the specification filed with this application, is and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates ;

(5) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this _____ day of _____ 19 .

Signed_____ To be signed by applicant or parties.

To

The Controller of Patents and Designs in Mysore, Bangalore.

(Endorsement by inventor) (See Rule 10—2).

I (or we)_____ Insert (in full) name, address and nationality.

referred to on the reverse of this document as claiming to be the true and first inventor (s) agree that the said application shall be made without my (or our) name (s) as (an) applicant (s) for a patent.

Dated this_____ day of_____ 19 .

Signed_____

Signature of witnesses :—

1.

2.

FORM 1 B.] [FEE RS. 10

303

MYSORE PATENTS AND DESIGNS ACT.

Application for patent for invention communicated from abroad.

SECTION 3.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name address and nationality of applicant or applicants.

I (or we)——

hereby declare:—

Insert title of invention.

(1) that I am (or we are) in possession of an invention for——

which invention has been communicated to me (or us) by——————

Insert (in full) name, address and nationality of communicator or communicators.

——

——

(2) that (I or we)——————————————————————————————————————

claim to be the true and first inventor (s) thereof;

(3) that the invention is not in use in the Mysore State by any other person;

(4) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(5) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief;

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this——————day of ——————19

To be signed by applicant or applicants.

(Signed)——————————————————

To

The Controller of Patents and Designs in Mysore, Bangalore.

FORM 1C.] [FEE RS. 10.

304

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition when the true and first inventor is sole or joint applicant.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)———— Insert (in full) name, address and nationality of applicant or applicants.

(1) that I am (or we are) in possession of an invention for——

(2) that———— State who is or are the inventor or inventors.

claim to be the true and first inventors thereof ;

(3) that the invention is not in use in the Mysore State by any other person;

(4) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the ——— and numbered—— ——(for which I was (we were) the applicant (s) of which I was (we were) the patentee (s) ;

(5) that the specification filed with the application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(6) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this———day of———19

(Signed)———— To be signed by the applicant or applicants.

To

The Controller of Patents and Designs in Mysore, Bangalore.

FORM I.A.C.] 308 [FEE RS. 10

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition when the true and first inventor is not a party to the application.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name and address and nationality of applicant or applicants.

I (or we)———

hereby declare:—

Insert title of invention.

(i) that I am (or we are) in possession of an in vention for———

Insert name.

State who is or are the inventor or the inventors.

(ii) that I (or we) (or the said ————) claim to be assign of (or the legal representative of)———— who claims and is(are) believed to be the true and first inventor(s) thereof;

(iii) that the invention is not in use in the Mysore State by any other person.

(iv) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the——— and numbered———(for which———I was/we were the applicant(s) of which———is are the patentees):

(v) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates;

(vi) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention and request that the term limited in such further patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

To be signed by applicant or applicants.

Dated this———day of———19

(Signed)————

To

The Controller of Patents and Designs in Mysore,

[Endorsement by inventor see rule 10 (2)]

Insert (in full) name, address and nationality.

I (or we)————

referred to on the reverse of this document as claiming to be the true and first inventor(s) agree that the said application shall be made without my (our) name (s) as (an) applicant (s) for a patent.

Dated this———day of———19

Signed————

Signature of two witnesses;

1.

2.

FORM NO. 1BC.] 306 [FEE RS. 10

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition for invention communicated from abroad.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)———— Insert (in full) name, address and nationality of applicant or applicants

hereby declare :—

(1) that I am (or we are) in possession of an invention for—— Insert title of invention.

which invention has been communicated to me (or us);

(2) that I (or we) claim to be the true and first inventor (s) thereof; Insert (in full) name, address and nationality of communicator or communicators.

(3) that the invention is not in use in Mysore State by any other person;

(4) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the——and numbered——
(for which I was/we were the applicant(s) (of which I am/we are the patentee(s) ;

(5) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(6) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this ——day of——19

Signed—— To be signed by applicant or applicants

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM NO. 1CC.] 307 [FEE Rs. 10

MYSORE PATENTS AND DESIGNS ACT.

Application for second or subsequent patent of addition.

SECTION 15A.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name, address and nationality of applicant or applicants.

I (or we) thereby declare ——————————————————————

——————————————————————

——————————————————————

Insert title of invention.

(i) That I am (or we are) in possession of an invention for——————

——————————————————————

State who is or are the inventor or inventors.

(ii) that——————————————————————

Claim to be the true and first inventor(s) thereof;

(iii) that the invention is not in use in the Mysore State by any other person;

(iv) that the said invention is an improvement in or modification of my (or our) invention, for which a patent (hereinafter called the original patent) was applied for on the——————and numbered ——————(for which I was/we were the applicant(s) (of which I am/we are the patentee(s) as improved upon or modified by my (or our) invention for which a patent of addition was supplied for on the ——————and numbered——————(for which patent of addition I was/we were the applicant(s) (of which patent of addition I am/we are the patentee(s);

(v) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(vi) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this——————day of——————19 .

To be signed by applicant or applicants.

(Signed)——————————————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM 2.] [FEE Rs. 10.

308

MYSORE PATENTS AND DESIGNS ACT.

Application for patent under reciprocal arrangements with the United Kingdom or in any part of British India or with States in India.

SECTION 75.

(To be accompanied by the specification on Form 3 in duplicate.)

I (or we)_____ Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(i) that I (or we) have made application(s) for the protection of an invention for_____ Insert title of invention.

in the United Kingdom, following the parts of British India and the following States in India and on the following official dates_____ Insert the name United Kingdom and parts of British India and the States in India followed by the official date of the application in each, respectively.

(ii) that the invention was not in use in the Mysore State by any other person before the_____;

(iii) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(iv) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief. Insert the official date of the earliest "British" or Indian application see Rule 2 (b).

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants and that such patent shall have the date_____

Dated this_____day of_____19 .

(Signed)_____ To be signed by applicant or applicants.

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM 2A.] 304 [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for patent by legal representatives or assignee under reciprocal arrangements with the United Kingdom or any part of British India with States in India.

SECTION 75.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name, address and nationality or applicant or applicants.

I (or we)———

hereby declare :—

Give name and address of nationality of British or Indian applicant or applicants.

(i) that I (or we) (or the said———————————) am/are/is the legal representative(s) of deceased or the assignee of———

(ii) that———

has (or have) (jointly with me/us) made application(s) for the protection of an invention for———

Insert title of invention.

Insert the name United Kingdom and other parts of British India and the States in India followed by the official date of the application in each, respectively.

in the United Kingdom, the following other parts of British India and the following States in India and on the following official date(s)

———

———

———

———

———

———

(iii) that the invention was not in use in British India by any other person before the———

Insert the official date of the earliest "British" or Indian application. See Rule (2) (b).

(iv) that the specification filed with this application is, is and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(v) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

Insert the official date of the earliest 'British" or Indian application. See Rule (2) (b).

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants and that such patent shall have the date———

To be signed by applicant or applicants.

Dated this———————day of———————19

(Signed)———————————————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

310

ENDORSEMENT BY THE BRITISH OR INDIAN APPLICANT.

[See Rule ii (2).]

I (or we)_____ Insert (in full) name, address and nationality.

referred to on the reverse of this document as claiming to be the applicant(s) in the countries specified in paragraph (II) hereby state that the applicant(s) who has/have signed his / their name(s) on the reverse of this form in my/are our assignee(s).

Dated this_____day of_____19

(Signed)_____

Signature of two witnesses.

1. _____
2. _____

FORM 2C.] 311 [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition under reciprocal arrangements with the United Kingdom or any other parts of British India or with States in India.

SECTION 15A AND 75.

(To be accompanied by the specification on Form 3 in duplicate.)

Insert (in full) name, address and nationality of applicant or applicants.

I (or we) ———

here by declare :—

Insert title of invention.

(i) that I (or we) have made application(s) for the protection of an invention for———————————————————————————————

Insert the name United Kingdom and the names of other parts of British India and the States in India followed by the official date of the application in each respectively.

in the United Kingdom, the following other parts of British India and the following States in India and on the following official dates ;

Insert the official date of the earliest "British" or Indian application. See Rule 2 (b).

(ii) that the invention was not in use in the Mysore State by any other person before the———————————;

(iii) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the———————————and numbered———————————(for which I was/we were the applicant) of which I am/we are the patentee (s) ;

(iv) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(v) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

Insert the official date of the earliest "British" or Indian application. See Rule 2 (b).

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants, and that such patent shall have the date———————————and request that the term limited in such further patent for the duration thereof be, the same as that of the original patent, or so much of that term as is unexpired.

Dated this———————day of———————19 .

To be signed by applicant or applicants.

(Signed.)———————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM 2AC.] [FEE RS. 10.

312

MYSORE PATENTS AND DESIGNS ACT.

Application for patent of addition by legal representatives or assignees under reciprocal arrangements with the United Kingdom or other parts of British India or with States in India.

SECTIONS 15A AND 75.

To be accompanied by the specification on Form 3 in duplicate.

I (or we)_____

_____

Insert in full, name, address and nationality of applicant or applicants.

hereby declare :—

(i) that I (we) (or the said_____) am/are/is the legal representative(s) of _____ deceased, or the assignees of_____

_____

Give name, address and nationality of "British" or Indian applicant or applicants.

(ii) that_____

has (or have) (jointly with me/us) made application (s) for the protection of an invention for_____

_____

in the United Kingdom, the following other parts of British India and the following States in India and on the following official date(s);

Insert the name United Kingdom and the names of other parts of British India and the State in India followed by the official date of the application in each respectively.

(iii) that the said invention was not in use in the Mysore State by any other person before the_____

Insert the official date of the earliest "British" or Indian application. See Rule 2(b).

(iv) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the_____and numbered_____(for which I was (we were) the applicant(s) (of which I am/we are the patentee(s);

(v) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates;

(vi) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicant(s) and that such patent shall be the date_____and request that the term limited

Insert the official date of the earliest "British" or Indian application. See Rule 2 (b).

313

in such further patent for duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this————day of————19 .

To be signed by applicant or applicants.

Signed by————————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

ENDORSEMENT BY THE BRITISH APPLICANT.

[*See Rule* 11 (2).]

Insert (in full) name, address and nationality.

I (or we)————————————————————

————————————————————————————

referred to on the reverse of this document as claiming to be the applicant(s) in the countries specified in paragraph (II) hereby state that the applicant(s) who has/have signed his/their name(s) on the reverse of this form is my/are our assignee(s).

Dated this————day of————19 .

Signed—— ————————————————

Signature of two witnesses—

1. ————————————

2. ————————————

FORM 3.] 314

MYSORE PATENTS AND DESIGNS ACT.

(To be supplied in duplicate with Form 1, 1A, 1B, 1C, 1AC, 1BC, 1CC, 2, 2A, 2C or 2AC.)

SPECIFICATION.

SECTION 4.

No Fee.

* _____

_____

*Insert title verbally agreeing with that in the application form.

† _____

†Insert in full, name, address and nationality of applicant or applicants as in application form.

The following specification particularly describes and ascertains the nature of the invention and the manner in which the same is to be performed :—

‡ _____

‡Here begin full description of the invention. The continuation of the specification should be upon the paper of the same size, on one side only, with a margin of 1½ inches on the left hand part of the paper. The completion of the description should be followed by the words "I (or we) claim, after which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be signed at the end and dated thus :— Dated the..... day of.....19 .

NOTE.—In the preparation of the claim or claims, any unnecessary multiplicity of claims or prolicity of language should be avoided.

FORM 4.] [FEE—(See Foot Note).]

3 15

MYSORE PATENTS AND DESIGNS ACT.

Application for Extension of Time.

SECTIONS 5, 10, 14 OR RULE 11.

Insert (in full) name, address and nationality.

I (or we)——————————————————————

hereby apply for————months' extension of time—

A, B, C, D, strike out the words which are not applicable. Quote number and year of application or patent.

(*a*) Under section 5 (4) for the acceptance of the application for a patent No.————of————————;

(*b*) Under section 10 (2) (d) for the sealing of a patent on application No————of————————;

(*c*) Under Section 14 (2) for payment of renewal fee on the patent No————of————————;

(*d*) Under Rule 11 for leaving copy (or copies) of the British or Indian specification (or specifications) drawings or documents in respect of application No————of————————.

The reasons for making this application are as follows :—

My (or our) address for service in the Mysore State is—

Dated this————day of————19

(Signed)————————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

NOTE.—Time allowed and fees payable—

(a) three months, Rs. 20;

(b), (c) or (d) One month Rs. 10; two months Rs. 20; three months Rs. 30.

FORM 5.] 316 [FEE RS. 30.

MYSORE PATENTS AND DESIGNS ACT.

Appeal to Government under Sections 5, 9, 10 (1A), 16 17, 40 or 66.

I (or we)———— Insert (in full) name and address of appellant or appellants.

hereby appeal to the Government of Mysore from the decision (or that part of the decision) of the Controller, dated the———— Strike out if not applicable.
day of————19 . whereby he—

The appeal must be made within three months of the date of decision.

(*a*) Refused to accept an application for a patent under Section 5 ;

(*b*) Required an amendment under section 5 ;

(*c*) allowed an opposition under section 9 ;

(*d*) disallowed an opposition under section 9 ; Strike out parts not applicable.

(*e*) gave direction under section 10(1A);

(*f*) restored a lapsed patent under section 16 ;

(*g*) refused to restore a lapsed patent under section 16 ;

(*h*) allowed an amendment under section 17 ;

(*i*) refused to allow an amendment under section 17 ;

(*j*) refused to register a design under section 40 ;

(*k*) refused to grant a patent or register a design under section 66.

The reasons for appealing and the full statement of the grounds upon which I (or we) rely for objecting to the decision are as follows :— State fully continuing on further sheets and on one side only. The last page must be dated and signed

My address for service in Mysore State ;

Dated this————day of————19 .

(Signed)————

FORM No. 6]. 317 [FEE RS. 5.

MYSORE PATENTS AND DESIGNS ACT.

Notice of opposition.

SECTIONS 9, 15, 16 OR 17 OR RULES 25, 33 OR 61.

(To be supplied in duplicate.)

I (or we)————————————————————

Insert the name in full and address of applicant or applicants.

hereby give notice of my (or our) intention to oppose—

(a), (b), (c), (d), (e), (f), (g) strike out when not applicable.

(a) Under section 9, the grant of a patent on application No.————————;

(b) Under section 15 the prolongation of the term of Patent No.————————;

(c) Under section 16, the restoration of lapsed Patent No.————————;

(d) Under section 17, the amendment of application or Specification No.————————;

(e) Under rule 25, the petition for extension of term of Patent No.————————;

Insert No. and date.

(f) Under rule 33, the surrender of Patent No.————————;

(g) Under rule 61, the rectification of the Register of Patents/ Designs in respect of Patent / designs No.————————;

*Insert name of applicant, grantee or proprietor.

*Filed by ————————
Granted to ————————
Registered in the name (s) of ————————

The grounds of opposition are as follows :—

Insert grounds and short statement of the facts of the case.

————————————————————
————————————————————

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address of service in Mysore State is as follows :—

————————————————————
————————————————————

Dated this————day of————19 .

To be signed by opponent or opponents.

(Signed)————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 7.] 318 [FEE RS. 10.

MYSORE PATENTS AND DESIGNS ACT.

Notice of intention to attend hearings.

SECTIONS, 9, 10 (1A), 16, 17, 24 OR RULE 48 OR 58.

I or we)———— Insert in full name and address.

hereby give notice that the hearing in reference to———— Insert particulars.

will be attended by myself (or ourselves) or by some person on my (or our) behalf.

Dated this————day of————19 .

(Signed)————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

NOTE.—The Controller may refuse to hear any party who has not left this notice and paid the prescribed fee before the date fixed for the hearing.

FORM NO. 8.] [FEE RS. 30.

MYSORE PATENTS AND DESIGNS ACT.

Request for Sealing.

SECTION 10.

I (or we) ———— Insert (in full) name, address and nationality.

desire to have a patent sealed on my (or our) application No.———— Insert No. and date.
of————and request that the following address in Mysore State may be entered on the Register as my (or our) address for service in Mysore State————

Dated this————day of————19 .

(Signed)———— To be signed by applicant or applicants or his or their authorised Agents.

NOTE.—If a Patent is to be sealed so that rights may accrue under section 12 of the Act, this request, together with the fee of Rs. 30 must be received in the Patent Office before the expiration of 18 months from the date of the application or within such extended times as are allowed in section 10(2). An extension of time not exceeding three months shall be allowed under section 10 (2) (d) on application being made on Form 4 accompanied by the fee of Rs. 10 for one month, Rs. 20 for two months, or Rs. 30 for three months.

FORM No. 9.] [FEE RS. 50.

3 J 9

MYSORE PATENTS AND DESIGNS ACT.

Petition for extension of term of Patent.

SECTION 15.

Insert No. and date of Patent, name of grantee and title of invention.

In the matter of Patent No.————dated————and granted to————for an invention for ————————————

and

In the matter of Section 15 of the Mysore Patents and Designs Act 1925.

To

The Government of His Highness the Maharaja of Mysore,
Bangalore.

Insert in full name, address and nationality of the petitioner or petitioners.

The humble petition of————————————

sheweth as follows:—

Insert date and number of patent name of grantee and title of invention.

On the————day of————letters patent numbered———— were granted to———— for an invention for————

That the facts and matters stated herein are true to the best of your petitioner's knowledge, information and belief.

Your petitioner (s) therefore humbly pray (s) that the said letters patent may be extended for a further term of————years, or for such other term as the Government of Mysore shall deem fit.

Dated this————day of————19

(Signed)————————

Petitioner.

NOTE.—(1) Here set forth (a) the circumstances under which the petitioner obtained rights in the patent; (b) History of the art with special reference to the invention and subsequent improvement; (c) the special utility and advantages of the invention in relation to the public; (d) all information relating to foreign patents (e) the rights of third parties such as licensees, etc.,; (f) the difficulties with which the patentee has had to contend in introducing into Mysore State the manufacture according to his invention; (g) Statement regarding the inadequacy of remuneration.

(2) The continuation of the petition should be upon paper of the same size on one side only with a margin of 1½ inches on the left hand part of the paper.

FORM NO. 10.] [FEE, RS. 100.

320

MYSORE PATENTS AND DESIGNS ACT.

Restoration of Patent.

SECTION 16.

I (or we) ———————————————— Insert (in full) name, address and nationality of applicant or applicants.

hereby apply for an order of the Controller for the restoration of the patent No. ——————of——————granted to ———————— Insert No. and date.

The circumstances which have led to the omission to pay the fee of Rs. ——————on or before the—————— State last date when fee was due.
day of——————are as follows :—

———————————————— The circumstances must be stated in detail.

I (or we) hereby declare that I (or we) have not assigned the patent to any other person and that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in Mysore State.

Dated this ——————day of——————19

(Signed) ———————————————— To be signed by applicant or applicants.

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 11.] 321 [FEE, RS. 10

BEFORE ACCEPTANCE.
RS. 20 AFTER ACCEPTANCE.

Before acceptance Rs. 20 after acceptance.

MYSORE PATENTS AND DESIGNS ACT.

Amendment.

SECTION 17.

Insert (in full) name and address of applicant or patentee.

I (or we)_____

State whether application, specification or drawings.

_____

_____

seek leave to amend the_____

of application for Patent No._____,dated_____

as shown in Red Ink in the copy hereunto annexed.

Strike out this paragraph if a patent has not been sealed.

I (or we) declare that no action for infringement or for the revocation of the letters patent in question is pending before a court.

My (or our) reasons for making this amendment are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in Mysore State.

To be signed by applicant or patentee.

Dated this_____day of_____19 .

(Signed) _____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 12.] [FEE RS. 10.

322

MYSORE PATENTS AND DESIGNS ACT.

Surrender of Patent.

SECTION 24.

I (or we)_____ Insert (in full) name, address and nationality of applicant or applicants.

hereby offer to surrender the Patent No._____, dated_____ granted to_____ Insert Number and date.

I (or we) declare that no action for infringement or for the revocation of the letters patent in question is pending before a court.

My (or our) reasons for making this offer are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for services in Mysore State.

Dated this_____ day of_____ 19 .

(Signed) _____ To be signed by applicant or applicants.

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 13.] [FEE RS. 10.

B2 3

MYSORE PATENTS AND DESIGNS ACT.

Application for Duplicate Patent.

SECTION 38.

Insert (in full) name, address and nationality.

I (or we)_____

regret to have to inform you that the Patent No. _____

Insert name of original grantee.

dated_____granted to_____

Insert the word "lost" or destroyed as the case may be and state fully the circumstances.

has been_____

Also state the interest possessed by the applicant or applicants in the patent.

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) beg therefore to apply for the issue of a duplicate of such patent.

Dated this_____day of_____19 .

(Signed)_____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 14.] [FEE RS. 5.

324

MYSORE PATENTS AND DESIGNS ACT.

Notice of intended exhibition of an unpatented invention or unregistered design.

SECTION 39 OR 49.

I (or we)_____ Insert (in full) name and address:

hereby give notice of my (or our) intention to exhibit a_____

of_____ at the _____

Exhibition which _____ State "Opened" or "is to open."

_____ on the _____

day of _____

under the provisions of the Mysore Patents and Designs Act, 1925.

I (or we) herewith enclose a brief description of my (or our)____ Insert brief description of invention accompanied by drawings if necessary or brief description of the design with sketch drawing or specimen.

Dated this_____ day of_____ 19

(Signed)_____

To

The Controller of Patents and Designs in Mysore,

Bangalore.

FORM NO. 15.] [FEE ANNAS 8 OR RS. 3 ACCORDING TO CLASS.

325

MYSORE PATENTS AND DESIGNS ACT.

Application for Registration of Design.

SECTION 40.

Insert number of class.

You are requested to register the accompanying design in Class No. ———— in the name of ————

Insert (in full) the name, address and nationality.

————

who claim(s) to be the proprietor(s) thereof.

State whether drawings, photographs, tracings or specimens.

Four exactly similar ———— of the design accompany this request.

Insert name of article or articles to which the design is to be applied.

The design is to be applied to ————

Strike out these words if no previous registration has been effected.

The design has been previously registered in class(es) ———— under No. ————

Unless an address for service in Mysore State is given, the request may not be considered. (See Rule 4.)

Address for service in Mysore State is—

Dated this ———— day of ———— 19 .

(Signed) ————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

Note.—Trade or property marks are not registered under the Mysore Patents and Designs Act, 1925.

FORM NO. 16.] [FEE ANNAS 8 OR RS. 3 ACCORDING TO CLASS.

No. 326

MYSORE PATENTS AND DESIGNS ACT.

Application for registration of design under reciprocal arrangement with the United Kingdom or part of British India with States in India.

SECTION 75.

You are requested to register the accompanying design in Class No. ———— in the name of

———————————————————————————————————

———————————————————————————————————

who claim(s) to be the proprietor(s) thereof.

Insert number of class.

Insert (in full) name, address and nationality.

Four exactly similar ———— of the design accompany this request.

State whether drawings, photographs, tracings or specimens.

The design is to be applied to ————————————

Insert name of article or articles to which the design is to be applied.

The design has been previously registered in class(es)———— under No. ————

Strike out these words if previous registration has been effected.

Application has been made for the protection of the above design in class ———— under No. ———— in ————on the following official dates you are requested to register the said design under Section 75 of the Act in priority to other applicants and to have the said date of the application in ———— as the date of registration in Mysore State.

Insert the name United Kingdom, any part of British India or the States in India.

Address for service in the Mysore State is—

Dated this———— day of ———— 19

(Signed).

Unless an address or service in Mysore State is given the request may not be considered. (See Rule 4.)

To

The Controller of Patents and Designs in Mysore,

Bangalore.

Note.—Trade or property marks are not registered under the Mysore Patents and Designs Act, 1925.

FORM NO. 17.] 327 [FEE RS. 3.

MYSORE PATENTS AND DESIGNS ACT.

Application for registration of design to be applied to a set.

SECTION 40.

Insert number of class.

You are hereby requested to register the accompanying design for a set in Class No. ———— in the name of————

Insert (in full) name, address and nationality.

———

who claim(s) to be the proprietor(s) thereof.

State, whether drawings, photographs, tracings or specimens.

Four exactly similar———————————of design accompany this request.

State the trade description of each of the articles comprised in the set.

The design is to be applied to ————

Strike out these words if no previous registration has been effected.

The design has been previously registered in class(es)———— under No. ————

Unless an address for service in Mysore State is given, the request may not be considered. See Rule 4.)

Address for service in Mysore State is—

———

Dated this————day of————19

(Signed)————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

Note.—Trade or property marks are not registered under the Mysore Patents and Designs Act, 1925.

FORM No. 18.] 328 [FEE Rs. 5.

MYSORE PATENTS AND DESIGNS ACT.

Requests for grounds of decision.

RULE 41.

Application for design No. ———— class ———— Insert number and class?

You are hereby requested under Rule 41 of the Mysore Patents and Designs Rules, 1939, to state in writing the grounds of your decision and the materials used by you in arriving at such decision

Address for service in Mysore State —

———————————————————————

———————————————————————

Dated this ———— day of ———— 19

(Signed).

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 19.] [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Application to extend Copyright.

SECTION 44.

You are required by the undersigned who is/are the registered proprietor(s) of the Design No. ———— Registered in class ———— to extend the period of copyright for a period of five years. Insert number and design. Insert number of class.

Address for service in Mysore State is —

———————————————————————

———————————————————————

Dated this ———— day of ———— 19

(Signed) ————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 20.] 329 [FEE Rs. 2.

MYSORE PATENTS AND DESIGNS ACT.

Request for search under Section 48 when registration number is supplied.

I hereby request that I may be given such information as I may be entitled to under Section 48 of the Mysore Patents and Designs Act, 1925, with respect to the design registered under No.———— Insert number of Design.

Address for service in the Mysore State is—

———————————————————————

———————————————————————

Dated this ————————day of ———— 19 .

(Signed) ————————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM No. 21.] [FEE Rs. 10.

MYSORE PATENTS AND DESIGNS ACT.

Request for search under Section 48 when registration number is not supplied.

I hereby request that a search may be made in class———— Insert number of class. ————in respect of the design (annexed hereto in duplicate) and that I may be given such information as I may be entitled to under Section 48 of the Mysore Patents and Designs Act, 1925.

Address for service in the Mysore State is—

———————————————————————

———————————————————————

———————————————————————

Dated this ————————day of ———— 19 .

(Signed) ————————————————————

Address ————————————————————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 22.] 330 [FEE RS. 5

MYSORE PATENTS AND DESIGNS ACT.

Application for cancellation of registration of a design under Section 48-A

I (or we)* _____ Insert (in full) name, address and nationality.

hereby apply that the registration design No. ——— in class——— may be cancelled on the grounds—

*(1) that the design has been previously registered in the Mysore State. Strike out *(1) and (2) when not applicable.

*(2) that it was published in Mysore State prior to the date of registration.

Address for service in the Mysore State is—

Dated this———day of———19 .

(Signed) ———

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 23.] [FEE RE. 1.

MYSORE PATENTS AND DESIGNS ACT.

Notice of alteration of a name or an address or an address for service in the Register of Patents or of Designs.

SECTION 59.

In the matter of { Patent No ——of——
Design No———Class———

I (or we) _____ Insert (in full) name and address.

hereby request that———name, address for——— (or address for service) now upon the Register of Patents/Designs may be altered to——— Insert name or full address.

Dated this———day of———19 .

(Signed) ———

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE.—This form may be used only for a request to correct a name or to alter an address upon the register. It may not be used as a request to register any change of interest in patent or registered design.

FORM NO. 24.] [FEE RS. 2.

321

MYSORE PATENTS AND DESIGNS ACT.

Request for entry of two addresses for service in Register of Patents/Designs.

SECTION 20 OR 43.

In the matter of { Patent No.———of——— ——— / Design No———Class———

Insert (in full) name and address.

I (or we)_____

_____

_____

hereby request that the two following addresses for service may be entered in the Register of Patents/Designs :—

Insert full address.

(a)_____

_____

(b)_____

_____

Dated this———————day of———————19 .

(Signed)_____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

FORM NO. 25.] 332 [FEE (SEE FOOT NOTE).

MYSORE PATENTS AND DESIGNS ACT.

Application for entry of name of proprietor or part-proprietor in Register of Patents/Designs.

SECTION 60.

I (or we) _____ Insert (in full) name and address.

hereby apply that you will enter my (or our) name (or names) in the Register of Patents/Designs as Proprietor or Part-Proprietor of Patent No———of———granted to——— Give name and address of person(s) to whom patent was granted.

of which the title is——— Insert title of invention.

(of the registered design No———Class———).

I (or we) claim to be so entitled by virtue of——— Specify the particulars of such documents giving its date and the parties to the same and showing how the claim here made is substantiated.

and in proof whereof I (or we) transmit the accompanying——— Insert the nature of the document.
———with an attested copy thereof.

My or our address for service in the Mysore State is———

Dated this———day of———19 .

(Signed) ——— State in what capacity the signatory is acting.

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE :— FEE—

(a) If document is presented for registration in the Patent Office within six months from date of acquisition of proprietorship or the coming into force of the Mysore Patents and Designs Rules, 1939—
In respect of one patent or design ... Rs. 5
For each additional patent or design .. Rs. 2

(b) If document is presented for registration in the Patent Office after the above period.—
In respect of one patent or design ... Rs. 20
For each additional patent or design ... Rs. 2

Form No. 26.] 333 [Fee (See Foot Note.

MYSORE PATENTS AND DESIGNS ACT.

Application for entry of notice of a mortgage or license in the Register of Patents/Designs.

SECTION 60.

Insert (in full) name, address and nationality.

I (or we)———

hereby apply that you will enter in the Register of Patents/Designs, a notice of the following interest in a Patent/Design.

Insert the nature of the claim whether by way of mortgage or license. Give name and address of person to whom the patent was granted. Insert title of invention.

I (or we) claim to be entitled———

to an interest in Patent No.———of———granted to———

of which the title is———

(in the Registered Design No.———Class———)

Specify the particulars of such document giving the date and the parties to the same and showing how the claim here made is substantiated. Insert the nature of the document.

by virtue of———

and in proof whereof I (or we) transmit the accompanying———with an attested copy thereof.

My (or our) address for service in the Mysore State is—

State in what capacity the signatory is acting.

Dated this———day of———19 .

(Signed)———

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE:—FEE—

(*a*) If document is presented for registration in the Patent Office within six months from date of acquisition of interest or the coming into force of the Mysore Patents and Designs Rules, 1939.—

In respect of one patent or design ... Rs. 5.
For each additional patent or design ... ,, 2.

(*b*) If document is presented for registration in the Patent Office after the above period.—

In respect of one patent or design ... Rs. 20.
For each additional patent or design ... ,, 2.

Form No. 27.] 324 [Fee (See Foot Note).

MYSORE PATENTS AND DESIGNS ACT.

Application for entry of Notification of Document in Register of Patents/Designs.

SECTION 20 OR 60 AND RULE 58.

I (or we) transmit herewith an attested copy of———— Insert a description of the nature of the document giving its date and the name, addresses and nationality of the parties thereto.

Under the Patents/Designs No.———of————as well as the original document for verification and I (or we) apply that a notification thereof may be entered in the Register.

Dated this————day of————19

(Signed)———— Insert full address of party benefitting under the document.

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE:—FEE—

(a) If document is presented for registration in the Patent Office within six months from the date of document or the grant of the patent or the registration of the design or the coming into force of the Mysore Patents and Designs Rules, 1939:—
In respect of one patent or design ... Rs. 5.
For each additional patent or design ... ,, 2.

(b) If document is presented for registration in the Patent Office after the above period:—
In respect of one patent or design ... Rs. 20.
For each additional patent or design ... ,, 2.

Form 28.] [Fee Rs. 5.

MYSORE PATENTS AND DESIGNS ACT.

Request for correction of clerical error.

SECTION 59.

I (or we)———— Insert (in full) name, address and nationality.

hereby request that the following clerical error(s)————

in the———— Specify the documents in which the error occurs.

No.———of————may be corrected in the manner shown in red ink in the official copy of the original————

hereunto annexed.

Dated this————day of————19

(Signed)————

To

The Controller of Patents and Designs in Mysore,
Bangalore.

Form No. 29.] [Fee Rs. 5.

3 3 C

MYSORE PATENTS AND DESIGNS ACT.

Request for Certificate.

SECTION 56 AND RULE 63.

Insert number and date of patent or number and class of design.

In the matter of { Patent No.——— of ———
Design No.——— Class———

———

———

———

Insert name, address and nationality.

I (or we)———

hereby request you to furnish me (or us) with your certificate to the effect that———

———

Set out the particulars which the Controller is requested to certify.

and to send the certificate to———

———

The purpose for which the certificate is required is as follows:

———

———

———

———

Dated this———day of———19 .

(Signed)———

To

The Controller of Patents and Designs in Mysore,
Bangalore.

NOTE.—An extra charge of anna one will be charged for every 100 words or part thereof for preparing copies of, or extracts from patents, specifications entries in the register and other public documents in the office. Drawings will be charged according to the agreement. The certificate will not be prepared until the charge is paid.

Form No. 30.] 336 [Fee Rs. 10

MYSORE PATENTS AND DESIGNS ACT.

Rectification of Register.

SECTION 61.

I (or we)_____ Insert name address and nationality.

hereby request that the Register of Patents/Designs may be rectified in the following manner in respect of Patent/Design No._____ dated the_____ Insert number and date of Patent or of Design.

My (or our) reasons for making this application are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in Mysore State is—

Dated this_____day of_____19 .

(Signed)_____

To

The Controller of Patents and Designs in Mysore,
Bangalore.

Form No. 31*.] [To be stamped under the Stamp Act.

MYSORE PATENTS AND DESIGNS ACT.

Power of Authority to Agents, Section 72.

State particulars.

In connection with———————————————

———————————————

———————————————

Insert name and address of agent.

I (or we) the undersigned hereby authorise———————————

of

———————————————

———————————————

to act as my (or our) Agent and to receive all notices, requisitions and communications until further notice. And I (or we) revoke the previous authority given by me (or us) to———————————

Strike out if not required. Insert name of agent whose authority is cancelled.

———————————————

———————————————

———————————————

in this matter.

Dated this———————day of———————19

(Signed)———————————————

Address———————————————

To

The Controller of Patents and Designs in Mysore,

Bangalore.

*The power of authority in Form 31 is liable to Stamp duty under the Mysore Stamp Act, VII of 1922. When power is given to one or more persons or Agents to act in a single transaction it will be sufficient if the form bears a special adhesive label of the value of one rupee eight annas only. When power is given to not more than five persons to act jointly or severally in more than one transaction or generally in respect of several patents or designs applications a special adhesive label of seven rupees eight annas value should be affixed.

338

THE THIRD SCHEDULE.

Model Form of Patent.

GOVERNMENT OF MYSORE.

THE PATENT OFFICE.

No.....of 19 .

Whereas———————————————

239

THE FOURTH SCHEDULE.

Classification of Goods.

CLASS 1.

Articles composed wholly of metal or in which metal predominates, and jewellery.

CLASS 2.

Books and bookbinding of all materials.

CLASS 3.

Articles composed wholly of India rubber, wood, bone, ivory, papier-mache, or other solid substances not included in other classes or of materials in which such substances predominate.

CLASS 4.

Articles composed wholly of glass, earthenware, or procelain clay (burnt or baked) or cement or in which such materials predominate.

CLASS 5.

Articles composed wholly of paper, card-board, mill-board or straw-board (except articles included in clause 2, and paper hangings) or in which such materials predominate.

CLASS 6.

Articles composed wholly of leather or in which leather predominates, not included in other classes.

CLASS 7.

Paper hangings.

CLASS 8.

Carpets, rugs and floor coverings in all materials.

CLASS 9.

Lace.

CLASS 10.

Boots and shoes.

CLASS 11.

Millinery and wearing apparel (except boots and shoes).

CLASS 12.

Goods not included in other classes.

CLASS 13.

Printed or woven designs on textile goods (other than checks or stripes).

CLASS 14.

Printed or woven designs on textile goods being checks or stripes.

Printed by the Superintendent at the Government Press, Bangalore.

No. T. 3078—*R. T.* 3-39-25, *dated Bangalore*, 13*th April* 1940.

The following draft amendments which the Government propose to make in virtue of the powers vested in them under section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to Rules 3 and 2 of rules regarding the composition of the Traffic Board and constitution of the District Traffic Advisory Committees issued with Notifications No. P. 3418 Legis. 46-35, dated 25th November 1935 and T. 2408—R. T. 53-36-15, dated 8th February 1938, respectively, as amended from time to time, are hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 25th of April 1940 will be considered by Government :—

DRAFT AMENDMENTS.

1. In the second sentence of Rule 3 of the rules regarding composition of the Traffic Board, *delete* the words.—

"from the date of the official Gazette in which their names are notified under the preceding rule".

And *insert* the following :—

"from such date as may be specified in the notification in which their names are notified under the preceding rule"

2. In Rule 2 of the rules issued with Notification No. T. 2408—R. T. 53-36-15, dated 8th February 1938, *delete* the words—

"from the date of the official Gazette in which their names are notified under the preceding rule"

And *insert* instead the following :—

"from such date as may be specified in the Notification in which their names are notified under the preceding rule"

No. P. 6791—*Legis., dated Bangalore, the* 15*th April* 1940.

In exercise of the powers conferred by section 3 of the Registration of Foreigners Act, 1940 (V of 1940), the Government of His Highness the Maharaja are pleased to make the following further amendment to the Registration of Foreigners Rules, 1939, namely :—

To sub-rule (2) of rule 7 of the said Rules, the following proviso shall be added, namely—

" Provided that, if the certificate of registration of a tourist, other than a tourist who has entered Mysore on the authority of a transit visa is expressed to be valid for a period of less than three months, the period of validity of such certificate may, on sufficient cause being shown by the said tourist, be extended by any Registration Officer subject to the condition that in no case shall the validity be so extended beyond three months after the date on which the said tourist entered Mysore.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

No. P. 6792—*Legis., dated Bangalore, the* 15*th April* 1940.

The following notification of the Government of India is republished for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

HOME DEPARTMENT.

POLITICAL (W.)

New Delhi, the 11*th March* 1940.

No. 21/9/40-Political (W).—In exercise of the powers conferred by section 3 of the Foreigners Act, 1940 (II of 1940), the Central Government is pleased to direct that

the following further amendment shall be made in the Foreigners Order, 1939, namely :—

After paragraph 8 of the said Order, the following paragraph shall be inserted, namely :—

"9. *Powers to remove foreigners from cantonments.*—The military officer for the time being in command of the forces in a cantonment may, by order in writing, direct any foreigner to remove himself from the cantonment within such time as may be specified in the order."

H. J. Frampton,
Deputy Secy. to the Govt. of India.

No. Fl. 6326—*G. F.* 128-39-10, *dated Bangalore, the 12th April* 1940.

In exercise of the powers conferred by Section 6 of the Mysore Duty on Gold (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules for carrying out the purposes of the Act.

By Order,
A. N. RAGHAVACHAR,
Secretary to Government,
Financial Department.

The Mysore Duty on Gold Rules, 1940.

1. (*1*) These rules may be called the Mysore Duty on Gold Rules, 1940.

(*2*) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context, "the Act" shall mean the Mysore Duty on Gold (Emergency) Act, 1940.

3. The owner of a gold works shall cause to be made and kept on the premises of the mining block, books of account in a form which will indicate clearly the quantity of gold produced therein, the dates of production, issue and disposal of such gold, and such other particulars as may be necessary and proper for ascertaining the quantity and exact value of all gold produced in the works.

4. The owner of every gold works shall give to the Comptroller or the Chief Inspector of Mines when required by either of them to do so, copies of all entries in the said books of accounts free of charge and certified by the owner of the gold works to be true copies of such books of account.

5. The owner of a gold works shall, as soon as any gold is issued or despatched for sale out of the premises of the gold works, intimate in writing the Comptroller to Government, and the Chief Inspector of Mines the fact of such issue or despatch specifying the quantity of gold so issued or despatched.

He shall also within one month from the date of the sale of such gold furnish them with a statement giving the quantity of gold sold, the rate at which it was sold, the gross and nett amounts realised by the sale and the amount of duty payable thereon to the Government.

6. No gold shall be issued or despatched for sale out of the premises of a gold works without the previous approval and permission in writing of the Chief Inspector of Mines.

7. Duty on gold payable in accordance with the provisions of the Act shall be paid to the credit of the Dewan of Mysore Deposit Accounts with the Imperial Bank of India, Bangalore or to the credit of any other account or at any other place as may be approved by the Comptroller to Government.

8. In calculating sale price of gold the following charges shall be deducted from the price realised by the sale of gold, namely:—

(*a*) railway freight from the premises of the gold works, to the place of sale,

(*b*) insurance charges on the gold despatched, and

(*c*) mint charges.

9. The Chief Inspector of Mines shall have the power to inspect any gold works and the books of account maintained therein at any time during working hours on any working day in order to ensure that the provisions of the Act and these rules are duly carried out.

10. Any breach of these rules shall be punishable with fine which may extend to rupees five hundred for every breach thereof.

Printed by the Superintendent at the Government Press, Bangalore.

349

The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 17

BANGALORE, THURSDAY APRIL 25, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 5699—C. S. 19-39-22, dated Bangalore, the 19th April 1940.

In exercise of the powers vested in them under Section 44 (2) (*g*) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft amendment to Rule 21 of the Rules under the Act in respect of the removal of the members of the Committee of management of Co-operative Societies.

Any objection or suggestion to the proposed amendment may be sent in writing to the General Secretary to Government within two months from the date of the publication of this notification in the *Mysore Gazette* after which the draft will be taken up for consideration.

Any suggestion or objection received after the due date will not receive consideration.

"Substitute the following for Rule 21 of the Rules:—

It shall be open to the Registrar to order the removal of any officer of a Co-operative Society, if he is satisfied that such officer has acted in any manner contrary to the best interests of the Society."

By Order,

J. APPAJI GOWDA,
Secretary to Government,
General Department.

No. T. 3089—*R. T.* 76-39-2, *dated Bangalore,* 17*th April* 1940.

In exercise of the powers conferred upon them by Section 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that taxes in respect of motor cabs registered within 14 days prior to the ending of a quarter shall be collected only from the quarter immediately following such registration, provided that the said vehicles are not used during the quarter in which they were registered.

No. T. 3131—*R. T.* 20-39-57, *dated Bangalore,* *the* 18*th April* 1940.

In exercise of the powers conferred on them by Sections 13 and 22 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the marginally noted motor vehicles belonging to His Highness the Prince of Hyderabad be exempt from taxes and tolls payable under the said

1.	Hyderabad	No.....
2.	Do	No. 5.
3.	Do	No. 2.
4.	Do	No. 8.
5.	Do	No. 9.
6.	Do	No. 1.
7.	Do	No. 4.
8.	Do.	No. Nil.

Act and also all tolls due under the Municipal Acts during His Highness's tour in the month of March 1940 in Mysore State.

No. P. 6841—*Legis.* 37-39-9, *dated Bangalore, the* 18*th April* 1940.

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to exempt the undermentioned Banks and all their Branches from the operation of this Act except the provisions of Sections 14 to 17 (both inclusive) thereof:—

1. The Indian Bank, Ltd.
2. „ Central Bank of India, Ltd.
3. „ Vysya Bank, Ltd.
4. „ Sriman Madhwa Siddhanta Abhivriddhikarini Bank, Ltd.
5. „ Canara Bank, Ltd.
6. „ Devanga Bank, Ltd.
7. „ Sringeri Sri Sarada Bank, Ltd.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

Printed by the Superintendent at the Government Press, Bangalore.